THE INDIAN POLICY IN THE OLD SOUTHWEST FROM 1783 TO 1795

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CHAPTER I.

THE AMERIND AND THE CAUCASIAN IN THE OLD SOUTHWEST.[1]

Each of the races of the world has characteristics which form barriers between it and every other race, due largely to the fact that every man is so partial to his own appearance and way of doing that anyone who is radically different becomes an object of suspicion or contempt.[2] Then, when two races come in contact, frictions and hatreds arise from inability to appreciate the good qualities in each other. A few from each great division of mankind may instinctively understand other peoples; but for the most part, the races are enigmas to each other, and years of association do not solve the problem.[3]

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[1] Alexander Meek (Romantic Passages in South-western History, 20), says the name of Southwest is given to the region embracing Alabama, Mississippi, and Louisiana.

[2] James Adair, History of the American Indian, 1-2.

[3] Francis E. Leupp, The Indian and his Problem, 1-2.

Such was the case in the old Southwest. At the dawn of North American history, De Soto and his followers brought on a conflict with the natives by treating them as inferiors and beasts of burden.[1] The Indian, upon the other hand, had as great contempt for the Caucasian race. After there had been two centuries of intercourse between these people, James Adair, a man who traded with the Indians west of the Alleghany mountains from 1730 to 1775, said, "The general name they give us in their most favorable war-speeches, resembles that of a contemptible, heterogeneous animal."[2] In fact, few of either race understood why those of the other lived or acted as they did. Hence, continual trouble resulted. The Battle of Manvila,[3] fought in the sixteenth century, and the Massacre of Fort Mims,[4] executed in the nineteenth, are incidents which illustrate how lasting and bitter the ill-feeling was.

Not only race prejudice but also selfish interests played an important part in the relationships between the natives

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[1] Buckingham Smith, Narratives of the Career of Hernando DeSoto, I, 45.

[2] James Adair, History of the American Indian, 2.

[3] Theodore Irving, The Conquest of Florida, II, 40-70.

[4] Hubert H. Bancroft, Our Treatment of the Native Races (The Citizen, II, No.2.)

and various European nations. For instance, Spain followed a just and humane policy towards the Indians after the first half century of exploration and conquest, partly because his Catholic Majesty needed them as subjects. As the Spanish were never a prolific people,[1] the demand for men was greater than the supply, especially after the acquisition of so much territory in the New World. Laborers were greatly needed, and therefore, even the colonists were kind to the natives for the sake of retaining their services.[2] Furthermore, the Spanish Government saw the importance of the Indian tribes as buffer states to keep the rapidly growing and aggressive English speaking colonies at a distance from the sparsely populated Spanish territory.[3] The interests of the United States were quite different. Within that nation, the scarcity of labor was not so keenly felt. Population was rapidly increasing, and a spirit of independence reigned. The majority of the people

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[1] Encyclopaedia Britannica, Eleventh Edition, XXV, 531-532.

[2] Hubert H. Bancroft, Our Treatment of the Native Races (The Citizen, II, No.2.)

[3] John Haywood, The Civil and Political History of the State of Tennessee, 144; Charles Gayarre, History of Louisiana, III, 160-162; American State Papers, II, 309.

were workers, farmers who wanted the land cleared. They latter could see no advantage in allowing the Indians to continue in the possession of valuable lands while they killed white men and stole cattle. The right of previous occupation was disregarded by the unlicensed settlers who knew no law.[1] The Indians resented this intrusion, ans fought against it as best they could. Frank Triplett portrayed the struggle, as the pioneer saw it when he said, "All the while the Indian fought stubbornly against his manifest destiny. ...., in order to preserve his hunting grounds and the graves of his fathers. ... his time had come to give way to a race, to whom the Almighty, in his inscrutable omniscience has given the domination of his brother tribes of men."[2] Conflict was inevitable when the frontiersmen, almost invariably the most undesirable people of a nation,[3] occupied valuable hunting grounds as though the earth had been created for their special benefit.

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[1] Hubert H.Bancroft, Our Treatment of the Native Races (The Citizen, I, No.2.); American State Papers, II, 321.

[2] Frank Triplett, Conquering the Wilderness, 30.

[3] Hubert H. Bancroft, Our Treatment of the Native Races (The Citizen, I, No.2.).

The Indians of the old Southwest had the advantage in numbers during much of the period of conflict in that region,[1] but a strong, united resistance was necessary to counteract the force impelling the white man westward. Unfortunately even the great tribes were handicapped by lack of organization and an excessively democratic spirit. Among them, the minority was not bound by the decision of the majority. Even in case of war, every man was free to go on the war-path or not, just as he chose.[2] The chiefs and old men of the tribe might formulate wise policies; but they could not compel the young warriors to obey them. Sometimes the chiefs were timid about announcing their policy to the nation for fear that they might lose popularity and prestige.[3] If the will of the "miko" and the majority of the tribe could not be forced upon all of its members, bound together as they were by many ties of kinship and affection, the utter impossibility of a union between

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[1] J. G. M. Ramsey, Annals of Tennessee, 547, 548; Frederick Hodge, Handbook of American Indians, I, 247, 261, 289. 364.

[2] James Adair, The History of the American Indian, 427, 428.

[3] American State Papers, II, 432, 543-544.

jealous nations, even for the sake of exterminating a foe dangerous to all, seemed quite evident.[1]

Four powerful tribes were native to the region south of the Ohio River. The Cherokees, inhabited the mountains of North and South Carolina, Tennessee, northern Georgia, and northern Alabama. From the southern frontier of the Cherokees to the Gulf of Mexico and from the Atlantic Ocean to the Mississippi River, the aborigines belonged to the Muskogean or Muskoki family, the greater portion of whom were included in the Creek Confederacy.[2] That powerful nation occupied the eastern portion of the region known as the old Southwest, living upon the Alabama and Chattahoochie rivers.[3] In the western part, living near the Mississippi River, were the Choctaws, and north of them, the seceded branch of that tribe, the Chickasaws.

The Cherokees, estimated by United States commissioners as numbering two thousand warriors in 1785,[4] lived in the

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[1] Frederick Hodge, Handbook of American Indians, I, 498; Justin Winsor, History of America, I, 284, 285.

[2] Livingston Farrand, The Basis of American History, 166.16

[3] Peter Hamilton, Colonial Mobile, 7.

[4] American State Papers, II, 38.

hilly region two hundred miles north of the Creek Confederacy, and three hundred and forty miles west of Charleston;[1] the Upper Cherokees upon the Tellico, Great and Little Tennessee, Holston and French Broad; and the Lower Cherokees upon the Oconee, Ocklulge, and Savannah rivers; Smoky Mountain divided the two sections of the Cherokee nation.[2] Together, they formed one of the most powerful tribes of North America.[3] They were similar to the Creeks in their appearance, habits, and implacable hatred for their enemies. They were therefore warlike, and, before the intrusion of the white man, the Upper Division often fought against the strong tribes north of the Ohio River, and the Lower against the Creeks. Later, together with the Creeks, they caused the settlers in their vicinity many anxious moments. Fighting seemed to be essential to their happiness.[4]

However, in the early times, the Cherokees were, as a rule, friendly to the English. Serious trouble between

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[1] James Adair, The History of the American Indians, 226.

[2] Hubert H. Bancroft (History of the United States, II, 95), describes the physical geography of the Cherokee country.

[3] Thomas Parker, The Cherokee Indian, 5; Livingston Farrand, Basis of American History, 166.

[4] I.G.M.Ramsey, Annals of Tennessee, 83; James Adair, The History of the American Indian, 227.

those nations did not arise until after the treaty at Fort Stanwix. In the war which preceded that treaty, the Cherokees were the allies of the English, aiding them in their battles with the northern Indians. Upon their way homeward from Fort Stanwix, the indignation of the Cherokees was stirred by the murder of twelve or fourteen of their number by some of the German settlers of Pennsylvania. The Creeks stimulated this anger, and the massacre at Fort Prince George of hostages given by the Cherokees to the English, brought on a conflict which lasted intermittently throughout the Revolutionary period, first with the British and later with the Americans.[1]

Bartram, a British scientist who traveled through the Cherokee country in 1773, says:[2] "The Cherokees in their dispositions and manners are grave and steady; dignified and circumspect in their department; rather slow and reserved in conversation; yet frank, cheerful, and humane; tenacious of

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[1] J. G. M. Ramsey, Annals of Tennessee, 54, 55.

[2] William Bartram, Travels through North Carolina, 1.

the liberties and natural rights of man; secret, deliberate and determined in their councils; honest, just and liberal, and ready always to sacrifice every pleasure and gratification, even their blood, and life itself, to defend their territory and maintain their rights. They do homage to the Muscagulges with reluctance, and are impatient under that galling yoke."[1]

The Creek Confederacy, numbering about six thousand warriors in 1789,[2] was a composite nation formed from many tribes. Bernard Romans enumerated the Cawittas, Talepoosas, Coosas, Apalachians, Conshacs, Oakmulgis, Oconis, Okchoys, Alibamons, Natchez, Weetumkus, Pakanas, Taenas, Chacsihoomas, and Abekas as belonging to it.[3] Several of these tribes had at one time been strong, but had lost their power, either because the white men had crushed them or because they had been overcome by the Muscagulges.[4]

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[1] William Bartram, Travels through North Carolina, 483.

[2] American State Papers, II, 15.

[3] Bernard Romans, Florida; cited by C. C. Jones, Antiquities of the Southern Indians, 6.

[4] Daniel Brinton, American Races, 89.

Such tribes were incorporated by the Creeks into their confederacy, making it stronger and better able to withstand the incursions of the white race.[1]

The whole nation was divided into two districts, the Upper and the Lower Creeks, called thus because of the elevation of the lands which they occupied. The former lived chiefly on the waters of the Alabama River, in about sixty villages; the latter, upon the Apalachicola River, in about forty towns.[2] Coosa was the principle town of the Upper Creeks, and Coweta of the Lower.[3]

Bartram described the Creeks as "A proud, haughty and arrogant race of men; they are brave and valiant in war, ambitious of conquest, restless and perpetually exercising their arms, yet magnanimous and merciful to a vanquished enemy, when he submits and seeks their friendship and protection: always uniting the vanquished tribes in confederacy with them; when they immediately enjoy, unexceptionably, every right of free citizens, and are from that moment

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[1] Albert Pickett, History of Alabama, 84, 85, 87.

[2] American State Papers, II, 15.

[3] Bernard Romans, Florida, cited by C.C.Jones, Antiquities of the Southern Indians, 5.

united in one common band of brotherhood,[1] ... They are just, honest, liberal and hospitable to strangers; considerate, ... industrious, frugal, temperate and persevering; charitable and forbearing."[2]

The Choctaws, or Flat-heads, lived about two hundred miles north of New Orleans.[3] Most of their towns were north of the thirty-first degree of latitude; but some of them were south of it within the territory of Spain.[4] The trib was divided into three parts, each beingunder a chief or "Mingo." The western division was known as the Oklafalaya or "the long people;" northeast of these lived the Ahepatokla or "potatoe-eating people;" and to the southeast were the Oklahannali or "Six Towns." The two latter divisions were thickly settled in large towns as a protection against the Chickasaws.[5] In 1789, there were about six thousand warriors in the whole nation.[6]

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[1] William Bartram, Travels through North Carolina, 484, 485

[2] Ibid., 488.

[3] James Adair, The History of the American Indians, 282.

[4] American State Papers, II, 49.

[5] Frederick Hodge, Handbook of American Indians, 289

[6] American State Papers, II, 49.

James Adair described the Choctaws as having a "base, ungrateful, and thievish disposition, - fickle, and treacherous - ready-witted, and endued with a surprising flow of smooth artful language on every subject, within the reach of their ideas; in each of these qualities, they far exceed any society of people I ever saw."[1] Others who have associated with the nation have tried to give them a better reputation. Secretary Knox said they were represented as being "candid, generous, brave, and honest."[2] Their intense love of country was admirable, and even though they lived comparatively sedentary lives, they were able to defeat almost every nation which attempted to make incursions into their land.[3] They were the best agriculturists among the southern Indians,[4] and it is also fair to note that, although they had French, Spanish, and English people as neighbors, they never fought against any of them.[5]

The Chickasaws, numbering from eight to twelve hundred warriors in 1789,[6] lived about one hundred and sixty

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[1] James Adair, History of the North American Indians, 283.

[2] American State Papers, II, 49.

[3] Albert Pickett, History of Alabama, 127.

[4] Frederick Hodge, Handbook of American Indians, I, 288.

[5] Albert Gallatin, Synopsis of Indian Tribes, II, 100.

[6] American State Papers, II, 48.

miles north of the Choctaws; and five hundred and forty miles west of the Cherokees, where the headwaters of the Tombigbee met the Yazoo and its tributary, the Tallahatchie. Beyond their settlements in that region, they claimed territory extending north to the confluence of the Tennessee and Ohio rivers, and also a large area north of the Tennessee.[1]

These people were noted for their bravery, independence, and war-like dispositions. They were at constant war with the Arkansas, Illinois, and Cherokees, and sometimes fought with the Choctaws and Creeks.[2] They resisted successfully the Spanish attack made by De Soto, and two attacks made by the French under Bienville.[3] Fortunately, the Chickasaw nation formed an alliance with the United States at the end of the Revolutionary war, and, thanks to their loyalty, caused the latter very little trouble.[4]

Their government was a combination of democracy and a caste system. Every warrior had a voice in the policies of the tribe;[5] but his position in the council depended upon the

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[1] Frederick Hodge, Handbook of American Indians, 260, 261.

[2] Ibid., 261.

[3] James Adair, History of the North American Indians, 356-357.

[4] American State Papers, II, 50.

[5] Henry Rowe Schoolcraft, Archives of American Aborigines, I, 311-312.

clan to which he belonged. The ruler of the tribe came invariably from the Minko Clan. Below the Minko Clan was the Showa; next was the Co-ish-to, then the Oush-peh-ne; the Minne; and lowest was the Huscona. The power that each clan exerted upon the council which the Miko might call whenever he thought best, depended upon its location in this caste system.[1]

In the early days of American history, these four larger tribes were surrounded by numerous smaller tribes, most of whom had either become extinct by the Revolutionary period, or had joined one of the dominating nations. Concerning many of these small tribes, little more than the name is known, and none are significant as separate tribes, except for the light which their mere existence throws upon the character of the southwestern Indians. If they had been as destructive as the northern tribes,[2] those smaller units would not have been allowed to exist.

When, in 1783, England ceded her claim to the land lying east of the Mississippi, these southwestern tribes were living

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[1] Henry Howe Schoolcraft, Archives of American Aborigines, I, 311.

[2] Albert Gallatin, Synopsis of Indian Tribes, II, 108.

almost entirely within the boundaries of the United States territory.[1] Thus, the responsibility of protecting and civilizing them fell to the new republic. This was a stupendous undertaking for so young a nation. The Indians, being in a savage or barbarous state,[2] made trying neighbors[3] who might easily be misunderstood by the narrow-minded frontiersmen. When the settlers had their horses stolen, they owners were rightously indignant; but their solution of the problem, that of killing the offender, was unjust to the child-like natives who were accustomed to owning property in common.[4] Indian war practices were likewise a trial to the civilized white race, who were unable to console themselves with the thought that their early ancestors had been just as barbarous.

This misunderstanding and lack of sympathy upon the part of the more powerful and better educated race, has been

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[1] Justin Winson, History of America, VII, 448.

[2] Elbridge Brooks, The Story of the American Indian, 106.

[3] Ibid., 215-230.

[4] Ibid., 211.

[5] Francis E. Leupp, The Indian and his Problem, 6-7.

very unfortunate for the American race. The latter have suffered, sometimes from cruelty, and at other times, from the sentimental kindness shown them. The Reservation Indians were the result of both. Who is to be held responsible for the degenerate condition of those people is a question which nobody can answer satisfactorily; but the chief points in the policies pursued by civilized nations towards them, may easily be followed. These seem to indicate that the central government of every country which dealt with them intended to be kind and wise in their treatment of an inferior race; but the policy of each was more or less interfered with by individuals over whose actions no government could have complete control.[1]

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[1] Hubert H. Bancroft, Our Treatment of the Native Races (The Citizen, I, No.2).

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CHAPTER II.

THE CONDITIONS AFFECTING THE FEDERAL INDIAN POLICY FROM 1783 to 1789.

The period of five years following the peace of 1783 was probably the most critical time in the history of the American people. The destiny of the newly formed republic hung in the balance. Success was possible; but failure seemed probable because there was no strong desire for union. Only nine years before, the thirteen states had begun to act together under the pressure of a common fear and the great necessity for united action. Even under such circumstances, it was very difficult for them to act harmoniously. Consequently it was impossible to bring the war to a rapid conclusion. Meanwhile, the power of Congress constantly declined, so that the Central Government was much weaker at the end of the American Revolution than at the beginning. After the common danger was removed it seemed likely that people would no longer see the need for united action and that the confederacy would break into pieces. This was especially to be feared

as there was a strong sentiment in favor of local self-government, and no great love of union. Furthermore, these thirteen little republics were bordered on the north by provinces belonging to Great Britain and on the south by those belonging to Spain. Either of these mother countries might become a powerful and dangerous enemy to the United States at any time.[1]

To be sure, all the states were governed under the Articles of Confederation during the years from 1783 to 1789; but, owing to the fear which the revolting colonists had for a strong central government, Congress, the most powerful branch of the government in the Confederacy, had been given scanty means of enforcing the laws and regulations which it might make. Every state was practically independent, and the National Government had to treat it as such. Individuals within a state could not be touched directly by Congress. This impaired the effectiveness of the Central Government because it would have been easier to coerce individuals than states. Even the power of levying taxes was not given to the General Government.[2]

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[1] John Fiske, The Critical Period of American History, 55-57.

[2] Willis Mason West, American History and Government, 291.

Congress could only estimate the value of the property in each state, and apportion the money to be asked for the common treasury accordingly. Taxes to raise money for the payment of this amount were to be laid and levied under the authority and direction of the legislatures of the states.[1] This proved to be a very unsatisfactory method of raising money for the states did not comply with the requests of Congress.[2] These weaknesses of Congress, the body in charge of all Indian affairs which were not within the boundary of any state,[3] had their inevitable effect upon the Indian policy of the Central Government. Conscious of its disabilities, Congress did not attempt to carry on a vigorous campaign against the Indians or the frontiersmen, even though the former were killing many settlers and the latter were trespassing upon lands guaranteed to the original owners.[4]

The pioneers urged drastic measures, but, owing to the weakness of Congress and the benevolent attitude which central

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[1] Articles of Confederation. Cited by Harper's Encyclopaedia of United States History, 311.

[2] Willis Mason West, American History and Government, 291.

[3] Articles of Confederation. Cited by Harper's Encyclopaedia of United States History, 312.

[4] John Haywood, Civil and Political History of Tennessee, 222-224, 226-227.

governments have almost invariably taken towards the Indians Congress continued to send agents upon peaceful missions to the tribes living upon United States soil, and forbade the "backwoodsmen" taking aggressive measures to protect themselves.[1] However, being moved by humanitarian and politic motives, Congress attempted to stop the inroads being made upon Indian lands. In that, a spirit of wisdom and kindliness was shown; but, there being no way to coerce the individual, the policy could not be enforced. Citizens of the republic continued to settle upon hunting grounds and the National Government was unable to prevent it. In fact, even the states sometimes disregarded the mandates of Congress and appropriated Indian lands.[2]

Not only did the original thirteen states evade the will of Congress; but also the state of Franklin, which was established in 1784, followed an Indian policy quite contrary to that of the central government.[3] Indirectly, the very existence of this state was caused by the weakness and poverty of Congress, so it was not strange that the Franklin people

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[1] George C. Butte, The Legal Status of the American Indian, 8.

[2] American State Papers, II, 623, 624; Albert Pickett, History of Alabama, 408, 409.

[3] American State Papers, II, 45.

people were not entirely submissive to the federal policies.[1] Many of the people of the Washington district which came to be the State of Franklin, had lost relatives and friends by the hands of savages angered by white usurpations. Robertson himself had lost a child and a brother in unexpected raids made from the forests.[2] Sympathy for the perpetrators of such crimes could not be expected from the men who had suffered from them, and so the State of Franklin began an offensive policy contrary to the will of Congress.[3] Franklin, continuing to exist as an independent state from 1784 to 1788, greatly complicated the difficulties encountered by the United States authorities in dealing with the Indians.

Lack of funds handicapped the Indian policy of the national government both directly and indirectly. Directly, the difficulty of obtaining money for the common treasury made it almost impossible to give presents lavishly enough to please the Indians or to support an army large enough to chastise them.[4] Only by asking donations from the in-

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[1] J. G. M. Ramsey, Annals of Tennessee, 283-285.

[2] Ibid., 457, 458; John Haywood, Civil and Political History of Tennessee, 230; Theodore Roosevelt, The Winning of the West, IV, 3.

[3] J. G. M. Ramsey, Annals of Tennessee, 465-478.

[4] Edward Channing, A History of the United States, IV, 38.

dividual states, could Congress supply enough money to buy presents for its subject tribes or to raise and support an army to protect the frontiers.[1] Indirectly, the lack of funds was responsible for the existence of the troublesome State of Franklin and the attendent train of evils. According to the request of Congress, made for the sake of securing money for the national treasury, North Carolina ceded her western lands to that body. The settlers living upon part of this territory, were fearful lest Congress would not immediately accept the gift made by North Carolina and hence, they set up an independent government in order to protect themselves until the United States might undertake the supervision of the district.[2]

Not only was Congress unable to deal justly with its own constituents, but it was also unable to enforce the stipulation of the Treaty of Paris which demanded that property confiscated from the Tories during the war should be returned, and all debts, owed to Englishmen before the war, should be paid. The United States government could only recommend to the states that they should take measures

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[1] United States Congress, Indian Treaties, 438.

[2] John Haywood, Civil and Political History of Tennessee, 149-151.

to repay the Tories within their boundaries; but it could not force the states to pay. In addition to the disregard for the terms of the treaty with England, the persecutions of the Tories living in the various states, were not cheeted.[1] As a result, loyalists continued to flee to Canada and Florida.[2] In that way, many bitter enemies found their homes beyond the northern and southern boundaries of the United States. Indians from the southwestern territory were constantly going to Pensacola, Mobile, and New Orleans where they were influenced not only by Spanish jealousies, but by English hatred as well.[3] Such an unfortunate situation made the ultimate solution of the Indian problem an impossibility so long as Congress was destitute of power.

However, the chief difficulty which prevented the establishment of an effective Indian policy in the "Old Southwest," was the inability to make a treaty with Spain which would insure the friendship of that nation. Negotiations between the United States and Spain continued from one year to the next with no satisfactory result until 1795.[4] Mean-

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[1] Willis Mason West, American History and Government, 283.

[2] George E. Ellis, The Loyalists and their Fortunes, cited by Justin Winsor, History of America, VII, 205, 212.

[3] American State Papers, II, 325, 328.

[4] Justin Winsor, History of America, VII, 478.

while Congress was fearful lest Spain might be offended by some action which seemed aggressive to her and would therefore break off negotiations. For that reason, offensive expeditions against the Indians of the southwest were forbidden, in spite of all the depredations which the warriors were committing.[1]

The boundary line between the United States and the provinces of East and West Florida was not yet agreed upon by the two nations affected. During the period of English occupancy of Florida, the boundary of that colony had been extended from thirty-one degrees North Latitude to thirty-two degrees and twenty-eight minutes, in order to increase the area in which legitimate settlements might be made in accordance with the Proclamation of 1763; but in a preliminary treaty of peace between England and the United States in 1782, the Whig leaders, who were in power at that time and more willing to benefit the Whigs of America than the Spaniards, agreed that the southern boundary of the United States should be a line beginning at the Mississippi at thirty-one degrees North Latitude, extending due east from that point to the Chattahoochie River; down that river to the mouth of the Flint;

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[1] American State Papers, II, 364.

thence to the St.Mary's; and along that river to the ocean, if Florida fell into Spanish hands in the final treaty of peace. Otherwise the boundary was to remain as it was designated soon after the Proclamation of 1763.[1]

Spain was indignant about this arrangement and refused to accept the boundary established at the preliminary treaty. She claimed most of the land south of the Ohio River as hers by right of conquest because her soldiers had defeated the British troops sent to protect the southwest.[2] Spain understood the weakness of the government established by the Articles of Confederation, and hence pursued a bold policy in regard to this matter. She closed the Mississippi below the mouth of the Yazoo to the navigation of American vessels, and informed Congress that no treaty of commerce would be made with the United States until the boundary established during the English regime was recognized as the line dividing the territories of the republic from those belonging to the King of Spain.[3] Furthermore, the latter claimed jurisdiction over the tribes living in the disputed region. Emissaries and

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[1] Albert Pickett, History of Alabama, 365, 366.

[2] J. G. M. Ramsey, Annals of Tennessee, 523, 524.

[3] Charles Gayarre, History of Louisiana, III, 160.

traders were sent among the natives, and treaties were formed between Spain and the nations of the southwest.[1]

May 30, 1784, an assemblage of Creeks and Cherokees met at Pensacola and was presided over by the Governor ad interim, Estevan Miro, Intendant Navarro, and Arthur O'Neil, the Commandant of Pensacola. Presents of medals, etc., were given to the Indians and a treaty of alliance and commerce was signed by the Creeks and the Spanish, June 6, 1784. While attending this treaty, the Indians were kindly treated, and were dismissed greatly pleased with the Spanish people. A second treaty was made with the Chickasaws, Alabamas, Choctaws, and other smaller nations, who came to Mobile June 22 of the same year. These tribes were entertained at great expense; but a valuable friendship was established in return. A treaty, containing the same terms as the one formed with the Creeks, was signed by the chiefs who were entertained at Mobile.[2]

The last article in each treaty stipulated that, in the name of the Spanish king, it confirmed the Indian nations in possession of the lands which they owned within his domains,

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[1] Albert Pickett, History of Alabama, 367, 368.

[2] Charles Gayarre, History of Louisiana, III, 160-162.

and that, if they should be dispossessed of them by enemies of the king, he would grant them lands elsewhere, equivalent in value to those lost. Furthermore, in order to avoid future discussions and deceits, a minute tariff was agreed upon in relation to the price and quality of the articles furnished to the Indians, and to be paid in a certain quantity of peltries. Stringent measures were taken to protect the Indian against the frauds of the traders. These regulations began with this declaration as a preamble, "The trade with the Indian nations is to be conducted on principles of good faith and equity; and those that engage in it shall take care so to demean themselves as to secure, by all the means in their power, the attainment of so important an object, without availing themselves, to avoid these obligations, of the despicable subterfuges of fraud and deceit."[1]

In order to continue the friendship which was established at Pensacola and Mobile, the Spanish governor formed a contract on July 24, 1784, with James Mather, a merchant of New Orleans, by which the latter agreed to employ two vessels

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[1] Charles Gayarre, History of Louisiana, III, 160-163.

continually for the sake of importing the goods and merchandise needed by the Indians. One of these ships was to land at Pensacola, and the other at Mobile. In return for this, the government contracted to allow Mather to secure his supplies in trade with the Dutch, Danish, or English Islands in America or with the European ports of those nations. Because of this liberal provision, the merchant could procure the best Indian goods at advantageous prices and hence could afford to devote all of his time to trading with the natives.[1]

In 1785, Don José de Gálvez was succeeded by Estevan Miro, as Governor of Louisiana. The latter held this position until 1789, improving meanwhile the Spanish policy.[2] He saw the importance of commerce with the Indians, and recommended, "In order that this commerce with the Indians be advantageous it is necessary, 1st, that it be carried on without interruption; 2d, that it be conducted with as much legality as possible; 3d, that the merchandise be sold at the most equitable price; 4th, that there be always a sufficient number of traders in the Indian villages; 5th,

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[1] Peter Hamilton, Colonial Mobile, Revised Edition, 331.

[2] Charles Gayarre, History of Louisiana, III, 167.

that it be permitted to all to go and trade freely with the Indian nations; 6th, that this commerce be subject to no favoritism and to no monopoly.

"Should commerce be carried on with them without interruption, they will not think of resorting to any other nation than ours, and from the familiar intercourse which will be established between them and us, there will result friendly relations and ties of good fellowship, which these people are not incapable of forming."[1]

By 1783, William Panton and Thomas Forbes were in business at Pensacola. Panton, a native of Aberdeen, had gone to Charleston before the American Revolution and with Forbes, had entered into profitable trade with the Creeks, Cherokees, and Chickasaws. The successful traders invested in lands, and had acquired large estates in the Carolinas and Georgia before the war began. When the Revolution broke out, their property was confiscated because they were loyalists. Consequently, they moved to East Florida, which at that time was an English province. Brigadier-General McArthur

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[1] Charles Gayarre, History of Louisiana, III, 173.

and Thomas Brown, Superintendent of Indian Affairs for the Eastern Division of the Southern District of North America, granted Panton and Forbes a license, January 15, 1783, which allowed them to trade with and supply the Indians with British goods. They established themselves at St.Mary's as "Panton, Leslie and Company," John Leslie being a third party in the firm. February 20, 1783, Florida was ceded to Spain; but by an agreement between the British officers and the Spanish Commissioner, Don Manuel de Zespedes, Panton, Leslie and Company were permitted to continue their business in Florida. Soon after this generous permission was given, Spanish authorities remitted to them all duties on goods imported in ships owned by the Company.

Panton, Leslie and Company were soon carrying on a thriving business in the southwest, prospering more than James Mather. The principle establishment of the company was at Pensacola, with branches at St.Johns, St.Augustine, St.Marks, Apalachicola, Mobile, and Chickasaw Bluffs. Trading posts for receiving and drying skins were established at many Indian towns. The Company imported goods and returned skins to London, employing fifteen sloops and schooners in their business. On account of the great and useful influence

which they exerted over the Indians, they were permitted to remain permanently in Florida, and to carry on their trade as British subjects without restrictions.[1]

However, John Pope, who visited William Panton at Pensacola in 1790, received an unfavorable impression of the work being done by the Company. He said, "The Upper and lower Creek Nation trade to this Place, where they are uniformly imposed upon by a Mr.Panton, who hath monopolized their trade. The poor Indians barter their Deer Skins at fourteen Pence Sterling per Pound, for Salt at nine Shillings per Bushel. Panton is Part Owner of the Salt Works in the Island of Providence, and has it brought to Pensacola in his own Bottoms, at the Average Expense of about three Pence per Bushel. I think his Goods at Mobile, Pensacola and St.Marks, are generally vended at about Five Hundred per Cent on their prime Cost."[2] In spite of the immense profits which Panton, Leslie and Company must have made in their dealings with the Indians, the latter were glad to trade with the Company and friendly

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[1] John Claiborne, Mississippi as a Province, Territory and State, note on page 132.

[2] John Pope, A Tour through the Southern and Western Territories, 44, 45.

relations were constantly kept up between the tribes of the southwest and the Spanish ports.[1]

How to counteract the effects of this friendship without offending the Spanish government was one of the important problems facing Congress from 1783 to 1795. The United States was anxious to avoid war, and many statesmen feared that the southern neighbor was looking for an opportunity to quarrel with the newly formed republic while the latter was yet weak. Therefore, Congress did not think it wise to allow offensive campaigns to be made against the southwestern Indians, even though their depredations became very annoying, for they were the allies of Spain.[2] Thus the ineffectiveness of the Indian policy of the United States from 1783 to 1789 was caused not only by the weakness of Congress, but also by the aggressive attitude taken by Spain towards the republic which realized its own inability to fight even a second rate European power.

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[1] Peter Hamilton, Colonial Mobile, Revised Edition, 332.

[2] American State Papers, II, 365.

CHAPTER III.

ALEXANDER MC GILLIVRAY

An individual may sometimes change the course of history for certain peoples. Great leaders are especially likely to make decisions which influence the trend of events during their careers and following. Although intangible, such an influence may often be traced in the history of a nation, regulating government policies, and affecting the everyday affairs of the people. Possibly Alexander McGillivray may thus have directed the Creek nation during the period in which the English-speaking people were settling the "Old Southwest,"[1] for it was he who foresaw most clearly the dangers arising from the proximity of the expanding settlements of the United States to the Creek nation, and who struggled most diligently against the approaching tide.

McGillivray not only saw the fundamental antagonism between his people and those of the United States; but he also

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[1] William Bacon Stephens, A History of Georgia, II, 430, 432; American State Papers, II, 77.

hated the United States with all the vindictiveness of his Indian nature.[1] His father, Lachlan McGillivray, who had amassed a large amount of property in North Carolina and Georgia through his trade with the Indians previous to the out-break of the American Revolution, had taken the Loyalist side in the struggle with Great Britain. This alone would have been sufficient cause to prejudice the son against the United States; but the breach was widened still further by the confiscation of Loyalist property by the Americans after the British evacuated Savannah. At that time, the elder McGillivray had returned to Scotland, hoping that his son, Alexander, might be allowed to inherit his wealth. The son received the same unkind treatment from which the other Tories suffered and hence became the bitter and unapproachable enemy of the United States who caused the Federal Government so much anxiety.[2]

The effectiveness of this enmity was increased many fold by the fact that Alexander McGillivray was not merely an ignorant Indian. Characterists of both the Indian and

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[1] Frederick Hodge, Handbook of American Indians, 780.

[2] George White, Historical Collections of Georgia, 154; Albert Pickett, History of Alabama, 366.

white race were combined in him and had been developed by a liberal education. His mother was the daughter of a Creek woman coming from the ruling family of the Nation, "The Tribe of the Wind," and a French commander of Fort Toulouse, Captain Marchand. His father was a native of Scotland who came to America some years previous to the American Revolution.[1] There is some uncertainty as to the place where the son received his education; but the important fact that he was well educated is undisputed. One account says that he was sent to New York City when a child of ten years of age, where he went to school to Mr. George Sheed, "an eminent English teacher," and that he afterwards went to a Mr.Henderson to learn Latin. When he was seventeen, according to this account, he returned to Savannah, where he entered the counting house of Samuel Elbert. He remained there for a short time and then was transferred to the establishment of Alexander Ingliss and Company.[2] The other account says that he was taken to Charleston, by this father, when fourteen years old and placed in school a few years. At the end of that period

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[1] William Bacon Stephens, A History of Georgia, 431; Frederick Hodge, Handbook of American Indians, I, 780.

[2] George White, Historical Collections of Georgia, 154.

he was transferred to a counting house at Savannah. Alexander was not fond of the work in a counting house, and therefore, his father soon allowed him to return to Charleston where he resumed his studies under his uncle, a Scotch-Presbyterian clergyman. Being a very studious child, he soon mastered the Greek and Latin tongues and became a good student of literature.[1]

When he was eighteen years of age, Alexander returned to his home on the Coosa. The Creeks, being in trouble with the settlers of Georgia at that time, were delighted by his return. McGillivray became a great favorite among the Creeks and in May, 1776, he was made chief of that nation.[2] Meanwhile, the Revolutionary War had broken out, and Colonel Tait, a British officer, was stationed at the Hickory Ground, near the present town of Wetumpha, Alabama, for the purpose of inducing the Creeks to join the British in their war against the revolting colonies. Alexander McGillivray became acquainted with this man and joined the Loyalists. For this action Great Britain conferred the rank and pay of a Colonel

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[1] Albert Pickett, History of Alabama, 344, 345; Harper's Encyclopaedia of United States History, VI, 21; Appleton's Cyclopaedia of American Biography, IV, 118.

[2] Albert Pickett, History of Alabama, 345.

upon McGillivray.[1]

During the Revolution, McGillivray used all of his influence against the Whigs, making several expeditions against them in person. Some of these expeditions were made by McGillivray and Colonel Tait; but more often they were made by McGillivray and Le Clerc Milfort. Often, too, Le Clerc Milfort led expeditions alone, while McGillivray remained at home keeping the chiefs of the Creek nation in the right spirit. In addition to doing these things Mc Gillivray also cooperated with the notorious Colonel Daniel McGirt in his operations against the people of the Georgia frontier. Together, these men kept the border settlements in continual consternation by their well directed movements.[2]

After the War for Independence, largely because of his resentment of the confiscation of his father's property, McGillivray formed an alliance with Spain in 1784. By the treaty of alliance which was signed by McGillivray at Pensacola, it was agreed that the Creeks and Seminoles should defend the cause of the King of Spain. In return for this agreement, McGillivray was made a Commissary in the Spanish army

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[1] George White, Historical Collections of Georgia, 154; Albert Pickett, History of Alabama, 345.

[2] Ibid., 346.

with the rank and pay of a colonel. Thereafter, McGillivray aided the Spanish in fomenting discords between the Creeks and the people of Georgia, and united with the Spanish in trying to prevent any successful negotiations being carried on between the citizens of the United States and the Creek Indians.[1]

In addition to being an agent of Spain, McGillivray also acted for Panton, Leslie and Company. His influence was successfully used by this prosperous firm to extend its trade among the Indians. In return for this aid, McGillivrary expected reward of a pecuniary nature.[2] Having lost his father's fortune through the confiscation of the United States, he was cast upon his own resources to obtain the financial basis for his great power. Panton gave him this advantage in return for his services.[3]

McGillivray, being a diplomat, knew how to make the most of his opportunities, and prospered in his relations with Panton. Having learned the artful use of language, either in New York or Charleston, McGillivray knew how to

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[1] George White, Historical Collections of Georgia, 155

[2] William Bacon Stephens, A History of Georgia, II, 431.

[3] Albert Pickett, History of Alabama, 394.

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induce Panton to give him the terms which he wanted. An interesting letter written to William Panton by McGillivray at Tallase, September 1788, illustrates his shrewdness. In that letter, he expatiated upon the dangers arising from the restrictions which the Spanish had placed upon the trade with the Creeks, and hinted that his people would go over to the United States if such restrictions were not removed. Evidently the letter was written for Spanish eyes as well as for those of Panton. The greatest subtilty of the letter, however, was shown in the part which related to his association with Panton. With the greatest humility, McGillivray spoke of his inability to aid Panton in his commercial interests, and mentioned also the burden which his support was to Panton. Then he said, "I am thankful for the generous credit of necessaries which you offered me, and if I conclude a peace with the Americans, which I expect to do, it will be in my power and ability to settle my account with you. These gentry will probably restore me my property among them."[1] Such a letter was admirably adapted to play upon the fears of both Panton and the Spanish, dependent as they were upon

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[1] Albert Pickett, History of Alabama, 385-388.

the influence of McGillivray without arousing the animosities of either of them.[1] A year later, however, he made his threats a little more openly. In a letter written to William Panton, August 10, 1789, he said, "You already know that I have, for some time past, been endeavoring to recover my house and lands, with my family estate, which, to your knowledge, is more than £30,000 sterling, the offer of which is now, I expect, to be pressed upon me. And there has, since I saw you last, arisen considerable conflict in my mind, in revolving these matters over. Here am I, an absolute heavy tax upon you, for years, and, in fact, not only for my private support, but for all the extra expenses of this department; and although, my dear sir, I know that I can still depend upon your generosity, and in your friendship, that you overlook the heavy expense that I put you to, yet you well know how hurtful it is to the feeling heart, to be beholden to subsist on the bounty of private friendship. Thus situated, I ask -- I wish you to give me your opinion. On the one hand, I am offered the restoration of my property, of more than one hundred thousand dollars, at the least valuation: and on the other, not wherewithal to pay an interpreter.

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[1] Albert Pickett, History of Alabama, 389.

Robert Philmore, "Poetry", Fleming, 1844.

And I find that letters are still addressed to me, as agent for his Catholic Majesty, when I have some time ago renounced the pittance that was allowed, as being a consideration disgraceful to my station. If they want my services, why is not a regular establishment made, as was done by the English, with a competent salary affixed, and allowance for two interpreters, one among the Upper and one among the Lower Towns, for hitherto I have had to maintain them myself; or shall I have recourse to my American estate, to maintain them and myself? I wish you to advise me what I had best do."[1]

By such crafty means, McGillivray kept Panton, Spain, and the United States in a continual state of uncertainty. Each of these contending parties, Spain and Panton on one side and the United States upon the other, tried to "out-bid" the other in order to win or keep the friendship of this great leader of the Creeks.

McGillivray was not always honest in his dealings with these people, often taking the advantages arising from friendship with the two opposite parties, even though he knew that he could not serve two masters at the same time.[2] Thus, in

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[1] Albert Pickett, History of Alabama, 394.

[2] William Bacon Stephens, A History of Georgia, II, 452, 453; George White, Historical Collections of Georgia, 155, 158.

And I still [illegible] to me, no agent for the [illegible]. [illegible] have sometimes [illegible] recommend the [illegible] were allowed, as being a contradiction dis-graceful [illegible] ourselves, only a [illegible] English, [illegible] alliance [illegible] immig-[illegible] the lower Town, [illegible] them and [illegible] I [illegible] these ..."

[illegible], [illegible] a Trade, [illegible] of uncertainty. [illegible], [illegible] on one side [illegible] "out-bid" the [illegible] a great [illegible].

[illegible] his two [illegible] from Carol-[illegible] he knew that [illegible]. Ibid., 19

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[1] Ibid., [illegible], 194.

[2] William [illegible], A History of Georgia, I, 403, [illegible] 155, 158.

the treaty which was made between McGillivray and the United States in 1790, he accepted a commission and the pay of a Brigadier-General in the United States, in spite of the fact that he continued to hold his commission as Colonel in the Spanish army.[1]

He undoubtedly was over-anxious to obtain money, even at the sacrifice of probity.[2] However, he may have had some justification in trying to secure all the money he could from the people who were merely using him as an instrument to accomplish ends profitable to themselves. Spain wanted his influence to help her in establishing and keeping a buffer state between the rapidly growing United States and the weaker Spanish settlements in Florida;[3] Panton wanted his aid in building up a great trade among the Indians of the southwest;[4] and the United States wanted to win his friendship in order to establish peace upon their boundary so that the embryo states in the west might be allowed to grow in safety.[5]

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[1] Albert Pickett, History of Alabama, 406-407, 414.

[2] Ibid., 414.

[3] John Haywood, Civil and Political History of Tennessee, 144.

[4] Albert Pickett, History of Alabama, 395.

[5] Ibid., 389.

[illegible] the treaty which had made Japanese [illegible] military and the United States in 1894. [illegible] commission and the [illegible] of a Brigadier-General in the United States, in spite of the fact that he continued to hold his commission as Colonel in the Canadian army.[1]

[illegible] Canadian-born [illegible] to British money, even at the sacrifice of loyalty. However, [illegible] have had some [illegible] [illegible] money [illegible] be could [illegible] [illegible] to disinterest to incompatible with [illegible] relationship [illegible]. Spain wanted his influence to help her in settling and keeping a buffer state between the reality [illegible] United States and the weak-[illegible] Mexican [illegible] in Florida; Paxton wanted his aid in building [illegible] [illegible] along the Indians of the South-west [illegible] United States wanted to aid his friendship [illegible] [illegible] boundary so that [illegible] [illegible] the real [illegible] [illegible] [illegible] in a [illegible].

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[1] Albert Robert [illegible] Alabama, 102-107, 414.

[2] Ibid., 116.

[3] [illegible] Vol and Political) History of Tennessee, [illegible]

[4] Albert [illegible] History of Alabama, 208.

[5] Ibid., 116.

Of all the powers contending for his friendship, probably the most politic was the United States. If they had been able to crush the resistance of Alexander McGillivray and the Creeks in 1789 when McGillivray refused to form a treaty at Rock Landing, they would have done so; but, lacking the necessary funds, it was thought to be wiser to win the friendship of the ruler of the Creeks.[1] McGillivray understood this attitude, and so was most disloyal in his dealings with the United States. Even though that nation sometimes offered him greater rewards than the Spanish Government, he favored Spanish interests throughout his career.[2]

Moreover, the character of McGillivray ought not to be judged in the light of present day ethics. While historians of the United States condemn him as dishonest, they fail to state that practices similar to his were common in American politics during that period. In fact, even the conduct of some of the great heroes of the United States might be thought to have been dishonest at times if all their diplomatic actions were judged by present day standards.[3]

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[1] Albert Pickett, History of Alabama, 399.

[2] Frederick Hodge, Handbook of American Indians, I, 780.

[3] John Bach McMaster, With the Fathers, 71-86.

The kindliness of McGillivray towards those in trouble, and his hospitality to guests staying among the Creek tribes, show him to have been, at heart, a generous and noble man. Those who came in contact with him were almost invariably favorably impressed by him. The expressions of gratitude heaped upon him at Guilford Courthouse as he was going to New York in 1790,[1] are best examples of the gratitude that many felt towards him for having befriended them while in captivity among the Indians.

Although he may have had some selfish pursuits, he was, in reality, struggling for the safety and preservation of his nation. Many gruesome deeds were committed by his followers, but these were not planned by McGillivray.[2] They were mere incidents in the accomplishment of what was to him a great and noble purpose. His sympathies were with the afflictions of his own people, and his actions were influenced by the suffering which he saw among them.[3] The frontiersmen could see only their own troubles, and hence McGillivray, who

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[1] Albert Pickett, History of Alabama, 404.

[2] American State Papers, II, 323.

[3] Ibid., II, 19.

tried to help the Indians defend their lands, seemed little better than a "devil" to them.[1] Thus he has been condemned for his patriotism by the race which was strong enough to conquor the Creek Nation after his death.

John Pope, who visited McGillivray in his home while on his way through the Creek Nation, said he was received by him with "frankness and civility." Pope also said of him, "This Gentleman to Appearance is at least Five and Forty, tho' in Fact only Thirty-two Years of Age - Dissipation marked his juvinile Days, and sapped a Constitution originally delicate and feeble. - He is subject to an habitual Head-ache and Cholic, notwithstanding which his Temper is placid and serene and at Intervals of Ease quite joyous. He possesses an Atticism of Diction aided by a liberal Education, a great Fund of Wit and Humour, meliorated by perfect good Nature and Politeness."[2]

In 1791, McGillivray began to lose his popularity even among the Creeks. William Bowles, an English adventurer who had married the daughter of a Creek Chief, instigated

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[1] Appleton's Cyclopaedia of American Biography, IV, 119.

[2] John Pope, A Tour through the Southern and Western Territories, 48.

insubordination against the rule of McGillivray among the Creeks. He also tried to draw the Creeks away from their alliance with Spain and to cause them to make an alliance with England. This man, who was of a desperate character, had robbed Panton, Leslie and Company of enough property by privateering off the the coast of Florida, to give him the affluence necessary for him to buy power among the Creek Indians with presents.[1] Having established himself among the Creeks by such means, he denounced McGillivray as a traitor, and persuaded many of the nation to believe that their chief had sold their interests, first to the Spanish and then to the government of the United States.

McGillivray was put into a very unpleasant situation. Spain was displeased with him for having gone to New York, and the United States was dissatisfied because he did not observe the articles of the treaty which he had signed while at their capital. In addition to that, the Creeks themselves, were now turning against him. The situation was critical; but McGillivray was equal to the emergency. He did not openly oppose the machinations of Bowles; but absented himself from

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[1] William Bacon Stephens, A History of Georgia, II, 447, 449-450.

the tribe, visiting New Orleans, Pensacola, and other Spanish settlements. Spanish interests were thus allied with his own, and Bowles was brought to New Orleans in chains before the year was over. McGillivray was soon reinstated in the confidence and affection of his people.[1]

During the summer and fall of 1792, McGillivray caused large meetings of Creeks and Cherokees to be called, at which he appeared only as a spectator. William Panton and Captain Oliver, an agent from Spain spoke to the Creeks, urging them not to allow the running of the line between them and Georgia as had been agreed upon at the treaty held in New York. In the name of the King of Spain, they also decreed that no United States trader should be allowed to enter Creek territory. In every way possible McGillivray established these Spanish representatives in the good will of his people, and thus was able, during his life time, to defeat the provisions of the treaty which he, himself, had signed.[2] Owing to this influence, the boundary line between the Creeks and the United States was not run until 1798.[3]

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[1] Albert Pickett, History of Alabama, 412, 413.

[2] Ibid., 415.

[3] Ibid., 454.

For some time during the year of 1793, McGillivray suffered from a severe attack of fever; but recovered. In February 1793, however, he was taken ill again while on a journey to Pensacola. He reached that city, and died there February 17, 1793 at the home of the wealthy Indian trader, William Panton.[1] After the death of McGillivray, Indian troubles continued;[2] but with their great leader gone, the Creeks began to fight against hopeless odds.[3]

Probably no character in the history of the "Old Southwest" is more interesting than that of this intelligent, shrewd, kindly, dishonest, vindictive man, who was part Indian, part Scotch, and Part French, and who served under the English, Spanish, and United States flags, profiting by his relations with all three countries. Albert Pickett, an inhabitant of the state which now contains the old home of McGillivray,[4] says, "General McGillivray was six feet high, spare made, and remarkably erect in person and carriage. His eyes were large, dark and piercing. His forehead was so peculiarly shaped, that the old Indian countrymen often

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[1] Albert Pickett, History of Alabama, 430.

[2] American State Papers, II, 378, 386.

[3] James Kent, Commentaries on American Law, III, 398.

[4] Albert Pickett, History of Alabama, 10.

[illegible] of [illegible] Mobilizer center-
[illegible] and recovered. In February
[illegible] mile on a journey to
[illegible] February 17,
[illegible] Mobilizer continued,
but [illegible] Texas, "Texas began to fight
[illegible]

[illegible] more intensely, the number of mile increased,
[illegible] Hardy, Hardcast, Hardcastle [illegible], [illegible] Fast
[illegible] Texas, and Texas Tenor, was the second chief
[illegible], and United States flags, protection by
[illegible] all three countries. Albert Pickett [illegible]
[illegible] state which now contains the [illegible] some of
Mobilizer, [illegible] "General Mobilizer was six feet high,
[illegible] room and [illegible].
[illegible] Forehand was
[illegible] Texas [illegible]

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[1] Albert Pickett, "History of Alabama," [illegible].

[2] American [illegible], II, 90, 388.

[3] James [illegible], "Commentaries on American Law," III, 320.

[4] [illegible]

spoke of it: It commenced expanding at his eyes, and widened considerably at the top of his head. It was a bold and lofty forehead. His fingers were long and tapering, and he wielded a pen with the greatest rapidity. His face was handsome, and indicative of quick thought and much sagacity. Unless interested in conversation, he was disposed to be taciturn, but, even then, was polite and respectful. When a British colonel, he dressed in British uniform, and when in Spanish service, he wore the military dress of that country. When Washington appointed him a brigadier-general, he sometimes wore the uniform of the American army, but never when in the presence of the Spaniards. His usual dress was a mixture of the Indian and American garb. ... He had good houses at the Hickory Ground and at Little Tallasa, where he entertained, free of charge, distinguished government agents, and persons travelling through his extensive dominions. Like all other men, he had his faults. He was ambitious, crafty, and rather unscrupulous; yet he possessed a good heart, and was polite and hospitable. For ability and sagacity ... he had few superiors. We have called him the Talleyrand of Alabama. Will not his political acts, but a few of which have been presented for the want of space, entitle him to the appellation?"[1]

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[1] Albert Pickett, History of Alabama. 431-432.

CHAPTER IV.

THE TREATMENT OF THE TRIBES OF THE SOUTHWEST FROM 1783 to 1789.

What right had the Indians to hold lands for which they had no deeds? THis was a question which might have puzzled the lawyers of the United States in 1783 had not European nations already set a precedent by admitting that the natives were the rightful occupants of the soil, with legal as well as just claim to the possession of it. Usually, however, the original owners were not permitted to dispose of their lands at will, otherwise than to sell them to the European nation which claimed sovereignty over them.[1] Such qualified rights were of necessity given to the Indians by the colonizers of America in order to provide for the welfare of both the natives and the white people. Numerous contracts, treaties, laws and ordinances established the validity of these rights so that, when the United States became a nation, it could not disregard them.[2]

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[1] James Kent, Commentary on American Law, III, 597.

[2] Ibid., 599.

England never attempted to interfere with the national affairs of the Indians.[1] further than to keep out the agents of foreign powers who might cause ill feeling among the natives. The government purchased the alliance and dependence of the Indian nations by giving subsidies and by purchasing their lands only when they wanted to sell them. Tribes were allowed to maintain the relations of peace and war and to govern themselves under English protection, for, according to the law of nations, a weak power ought not to lose its independence by associating with or receiving protection from a stronger government.[2]

The United States followed this kind of a policy when it became a nation. Before and after the Revolution, the state governments never regarded the Indian nations within their domains as subjects or members of the body politic; but as free and independent tribes.[3] George C. Butte, a lawyer who for eight years lived "among the Indians, on the largest Indian reservation in the United States,"[4] in describing the

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[1] Charles Royce (Indian Land Cessions in the United States, 550), says "The Indian was entirely overlooked and ignored in most, if not all, of the original grants of territory to companies and colonists. Most of these grants and charters are as completely void of allusion to the native population as though the grantors believed the lands to be absolutely waste and uninhabited

[2] James Kent, Commentary on American Law, 602. [3] Ibid., 603.

[4] George C. Butte, The Legal Status of the American Indian, 1.

situation of the native Americans to a German audience said, Prior to 1871, for nearly a hundred years, the United States government ... dealt with the Indian tribes as if they possessed the attributes of sovereign states. The Indian tribes lived in isolated communities on their separate reservations, they maintained a tribal form of government which in some of the tribes was quite well organized. They had their own judiciary and legislatures, or councils, as they were called, made and executed their own laws, and were left in almost complete freedom to manage their own affairs in such manner as they wished. The Indians, themselves, acknowledged no sovereign political power except their own, the carefully prepared preambles of some treaties to the contrary notwithstanding. The United States government humored them in this notion, and though the Supreme Court of the United States, in an early case, pronounced the Indian tribes "a domestic, dependent people," the government continued to negotiate with them only by treaties as with foreign nations. Whatever control the United States sought to exercise over the Indians was restricted almost wholly to regulating trade and intercourse between the whites and Indians and to the prevention of disorders that might result in uprisings and war between the races. Polygamy, 'hoodooism and other vicious and cruel

practices of superstition among the Indians were tolerated ...

"They owned their lands in common and lived as nearly in a state of nature as possible. Indeed, it was then deemed wisest to allow the Indian to live his aboriginal life and to interfere with him little as possible. It is true the United States government often appointed so-called Indian agents to live among the tribes and represent the government. But they were not there to govern the Indians; they served more as diplomatic representatives, ... whose duty it was principally to conciliate the Indians and report possible trouble. In early times these agents were often selected from traders who knew the dialect of the tribe. Some of them, like Colonel Hawkins, the agent to the Muskogees ..., married into the tribe and were the devoted personal friends of the Indians."[1]

However, in spite of the just and lenient policy of the National Government toward the Indians, frauds and violences were committed against the natives by individuals who were prompted by greed, a consciousness of superior power, and a blunted sense of the rights belonging to the savages.[2]

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[1] George C. Butte, The Legal Status of the American Indian, 7-9.

[2] James Kent, Commentary on American Law, 615.

Civilized men found it hard to understand why the Indians ought not to be pushed off their lands, for it had always seemed the duty of the human race to subdue and cultivate the forests, deserts, and other waste lands.[1] Wars with the aborigines resulted almost inevitably, from the intrusions of the white man.[2]

At the close of the war for independence from Great Britain, Indian affairs were in a very unsettled condition. Most of the tribes of the southwest had fought against the revolting colonies and hence, were still enemies to the United States at the end of the Revolution.[3] Georgia was the first to form a treaty. The Creek and Cherokee chiefs were invited to Augusta largely for the sake of demanding some restitution for the damages they had done during the war. Only a few chieftains of either nation went to the meeting place; but a treaty was agreed upon, nevertheless, and signed May 31, 1783, by the Cherokees, and on November 1, of the same year by the Creeks. By these treaties, the two tribes claiming land along the Tugalo and Oconee rivers, ceded them to Georgia.[4]

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[1] James Kent, Commentary on American Law, 604-605.

[2] Ibid., 614.

[3] J.G.M.Ramsey, Annals of Tennessee, 205, 190; Albert Pickett, History of Alabama, 345, 349, 378.

[4] Albert Pickett, History of Alabama, 366.

Nevertheless, peace was not established along the southern frontier. The Creeks claimed that the treaty of cession to Georgia had not been made by a representative group of chiefs, and repudiated the action of the few men who had gone from their tribe to Augusta. The animosities towards the colonists which had been aroused by British agents during the war had not subsided. Consequently the surveyors, who were marking the line agreed upon as the boundary between Georgia and the Indians, were not allowed to continue their work, and in May, 1785, hostilities began against Knox's se settlement.[1]

In the trouble that followed, it was not strange that the Indians turned to Congress for protection because that body had befriended them during the Revolutionary War. As early as 1775, Congress had sent commissioners among the Indians to counteract the influence of the British agents. Three departments of Indian Affairs had been established, a Northern, Middle, and Southern. Of these, the Northern extended far enough south to include the Six Nations, and the Southern extended far enough north to include the Cherokee Indians.

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[1] William Bacon Stephens, A History of Georgia, 411, 415-416; Albert Pickett, History of Alabama, 311, 375, 376.

The Middle Department was to supervise the tribes living between the Northern and Southern Departments. Five commissioners were appointed for the Southern Department, and three for each of the other departments. These commissioners were given power to negotiate with the Indians in order to win their friendship and so prevent them taking past in the war then being fought. The Commissioners of the Southern Department were to receive ten thousand dollars annually from the treasury of the Continental Congress, while those in the two other departments were to receive six thousand, six hundred and sixty-six dollars, to be used in defraying the expenses of treaties and presents for the Indians. Furthermore, these Commissioners were given power to take to their assistance other men of influence among the Indians, and to appoint agents, residing near or among the Indians, to watch the conduct of the British superintendnets and their emissaries. Their power to misappropriate funds intended for the Indians was restricted by the accounts which the Commissioners were required to keep and the statement of Indian affairs given to each succeeding Congress.[1]

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[1] United States Congress, Indian Treaties and Laws, 423-424.

September 14, 1775, Congress prohibited any person to trade with the Indians who did not have a license secured from one or more of the Commissioners of the Department. Early in the next year, it was decreed that the traders should dispose of their goods only at such prices as the Commissioners in each department might fix for them. Congress also demanded that a reasonable price be allowed to the Indians for their skins and furs, and asked that no unjust advantages be taken of their distresses and intemperance. As assurance that the terms upon which the certificates were granted to the traders would not be violated, bonds were to be given by the traders to the Commissioners in such size as the Commissioner might determine. To licensed traders only, were the Commissioners to deliver the goods, which were to be imported by the government in such quantities as to promote a fair trade and relieve the wants of the Indians. Trade, in accordance with these regulations, was to be carried on with the Indians at such posts as the Commissioners might designate. This, however, did not mean that private persons could not trade with the Indians if it were done under the restrictions previously mentioned.[1]

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[1] United States Congress, Indian Treaties and Laws, 427.

Under the Articles of Confederation, the United States Congress had "sole and exclusive" right and power of regulating trade and managing all affairs with the Indians who were not members of any state; providing that the legislative rights of any state should not be infringed upon. In view of this power, and the complaints made by the Indians, Congress issued a proclamation September 22, 1783, prohibiting and forbidding all persons from making settlements on lands inhabited or claimed by Indians, outside of the limits or jurisdiction of any particular state, and from purchasing or receiving any gift or cession of such land without the express authority and direction of Congress. It was also declared that all such purchases, gifts, and cessions, not having that authority back of them were "null and void."[1]

A little later a committee was appointed to prepare an ordinance for regulating the Indian trade containing a clause prohibiting all civil and military officers, especially all Commissioners and agents for Indian affairs, from trading with the Indians, or purchasing, or even being indirectly

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[1] United States Congress, Indian Treaties and Laws, 434-435.

concerned with buying lands from the Indians, except by the express license and authority of Congress. This measure, however, was not to be construed to affect the territorial claims of any state or their legislative rights within their respective limits.[1]

In such ways as these, Congress tried to protect the Indians' rights; but it was too weak to enforce its wise policies, and Indian difficulties continued. Meanwhile, settlements continued to creep down the Cumberland and Tennessee rivers and along the Big and Little Pigeon rivers. By 1784, there were even settlements south of the French Broad River, the traditional boundary of the Cherokee Nation. In that year, also, a wagon road was opened to the region west of the Alleghanies, and settlers began to come in greater numbers, many of whom were more affluent than those who came previously. This introduction of a moneyed class meant rapid development for the West;[2] but speedy extermination of the Indians who resisted.[3]

October 22nd, 1784, the Assembly of North Carolina repealed the act which ceded her western lands to Congress,

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[1] United States Congress, Indian Treaties and Laws, 435-436.

[2] J. G. M. Ramsey, Annals of Tennessee, 280-281.

[3] James Kent, Commentary on American Law, 615.

and took measures to reform the government of the "back lands." The western district, known as the District of Morgan, was divided into several districts, Washington, Sullivan, Davidson, and Greene. The same Assembly granted the settlers west of the mountains the right of having a Superior Court in Washington County; and formed the militia of the region into a brigade, appointing Colonel Sevier as Brigadier-General.[1] These were greatly needed reforms;[2] but in spite of them, the State of Franklin continued to assert its independence.[3]

The people of the west had various opinions as to the attitude which they ought to take towards the matter of the cession. Three parties arose; one advocating vehemently a constitution proposed by a minority; a second standing for the plan approved by the Convention at Jonesboro; and a third party favoring a return to North Carolina.[4] Disputes between the parties lasted until March 1, 1788, when the State of Franklin came to an end by the defeat of its governor, Colonel Sevier by Colonel Tipton, a man favoring North Carolina.[5]

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[1] John Haywood, Civil and Political History of Tennessee, 153-154.

[2] Ibid., 149.

[3] Ibid., 154-155.

[4] Ibid., 153.

[5] J. G. M. Ramsey, Annals of Tennessee, 406-416.

Meanwhile the Indians became uneasy about the actions of all the settlers of the western region and wished them to move off the lands which they were usurping.[1]

Up to 1785, the United States had made no treaties with the tribes of the southwest since the treaty with Great Britain, owing to the difficulty of obtaining the cooperation of a large enough group of chiefs.[2] March 15th, of that year, it was resolved in Congress that three commissioners be appointed to treat with the Southern Indians, for the sake of making peace with them and removing, as far as possible, all causes for future contention. These men were authorized to apply to the Governor of Virginia, North Carolina, South Carolina, or Georgia for one hundred and fifty men, or such part of that number as they might need to protect them during their negotiations with the Indians. They were further authorized to draw upon any of those states for a sum, not exceeding nine thousand dollars, to meet the expenses of holding the treaties, including the pay of the Commissioners. In addition to this amount, the Commissioners were authorized

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[1] J. G. M. Ramsey, Annals of Tennessee, 319.

[2] Charles Royce, Indian Land Cessions in the United States, 648; American State Papers, II, 15, 16.

to ask for a sum, not to exceed four thousand dollars, for presents to be given to the Indians. States giving money for these purposes were to have credit for so doing, and that amount would be deducted from the requisition made upon them in 1786.[1]

Under this act, Benjamin Hawkins, Andrew Pickens, Joseph Martin, and Lachlan M'Intosh were appointed commissioners plenipotentiary of the United States. These men repaired to the Cherokee country where, on November 18, 1785, they met chiefs from that nation at Hopewell on the Keowee River about fifteen miles above its junction with the Tugalo Tiver,[2] and concluded a treaty of peace, by which the United States promised to give protection to the Cherokee Nation upon the following terms: - 1. The warriors and headmen of the tribe were to release all prisoners among them who were citizens of the United States on their allies, and to restore all negroes and property stolen during the war; 2. the Commissioners of the United States were to return all Indian prisoners taken during the war; 3. the Cherokees acknowledged themselves to be under the protection of the United

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[1] United States Congress, Indian Treaties and Laws, 438-439.

[2] Charles Royce, The Cherokee Nation of Indians, 153.

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States; 4. the boundary between the Indians and the white people was established as follows: "Beginning at the mouth of Duck river, on the Tennessee; thence running northeast to the ridge dividing the waters running into Cumberland from those into the Tennessee; thence easterwardly along the said ridge to a northeast line to be run, which shall strike the river Cumberland forty miles above Nashville; thence along the said line to the river; thence up the said river to the ford where the Kentucky road crosses the river; thence to Campbell's line, near Cumberland Gap; thence to the mouth of Claud's creek on Holston; thence to the Chimney-top mountain; thence to Camp creek, near the mouth of Big Limestone, on Nolichuckey; thence a southerly course six miles to a mountain; thence south to the North Carolina line; thence to the South Carolina Indian boundary, and along the same southwest over the top of the Oconee mountain till it shall strike Tugalo river; thence a direct line to the top of the Currahee mountain; thence to the head of the south fork of Oconee river;" 5. if any citizen of the United States should settle upon Indian land, or, having already settled, should not remove within six months after the treaty had been ratified; he was to forfeit the protection of his

country and might be treated by the Indians as they wished, providing that this article was not interpreted to mean the people living between the fork of the French Broad and Holston rivers whose disposition was to be decided by Congress; 6. murders, robberies, etc., committed against the Cherokee Indians by citizens of the United States were to be punished, in the presence of Indian representatives, in the same manner as they would be punished if the crime had been committed against a white man; 7. innocent people were not to be injured with an idea of retaliation, except when there was violation of the treaty, and then it was to be preceded by a demand for justice, and if refused, then by a declaration of war; 8. Congress was to have the exclusive right of regulating the trade with the Cherokee Indians, and of managing their affairs as the members of Congress might see fit; 9. all traders, citizens of the United States, were to have the right to go among these Indians and were to be protected in person and property; 10. Indians were to give notice to the United States of any hostile designs that any neighboring tribes or persons within the Cherokee nation might have against the trade or interests of the United States; 11. the Indians might send delegations to Congress at any time they wished.[1]

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[1] United States Congress, Indian Treaties and Laws, 112-115.

While the negotiations carried on previous to the signing of these articles were pending, William Blount of North Carolina, John King and Thomas Glasscock of Georgia, arrived at Hopewell, and presented their commissions as agents of those states. They objected to having the United States interfere in a matter which they had already settled by treaties with the Indians. North Carolina had already given lands to officers and soldiers of the Revolution which were assigned to the Indians by the terms of the Treaty of Hopewell. These agents complained that the United States Commissioners were violating legislative acts of the States and tried to prevent the contemplated treaty between the Cherokee Indians and the national government.[1] The Commissioners remained true to their purpose and concluded a treaty of peace in spite of the objections of state officials.

January 3, 1786, Commissioners Benjamin Hawkins, Andrew Pickens, and Joseph Martin, upon behalf of the United States, and thirty chief men of the Choctaws formed another treaty at Hopewell, upon practically the same terms as the one formed with the Cherokees, except that the boundary alloted

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[1] Charles Royce, The Cherokee Nation of Indians, 155; American State Papers, II, 44.

to the Choctaws was as follows: "Beginning at a point on the thirty-first degree of north latitude, where the eastern boundary of the Natchez district shall touch the same; thence east along the said thirty-first degree of north latitude, being the southern boundary of the United States of America, until it shall strike the eastern boundary of the lands on which the Indians of the said nation did live and hunt on the twenty-ninth of November, one thousand seven hundred and eighty-two, while they were under the protection of the king of Great-Britain; thence northerly along the said eastern boundary, until it shall meet the northern boundary of the said lands; thence westerly along the said northern boundary, until it shall meet the western boundary thereof; thence southerly along the same, to the beginning: saving and reserving for the establishment of trading posts, three tracts or parcels of land, of six miles square each, at such places as the United States, in congress assembled, shall think proper; which posts, and the lands annexed to them, shall be to the use and under the government of the United States of America."[1]

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[1] United States Congress, Indian Treaties and Laws, 152-155.

Seven days later, a third treaty was entered upon by these Commissioners plenipotentiary of the United States at the same place with the chief warriors of the Chickasaw Indians. The terms of this treaty were almost identical with those of the two former treaties made at Hopewell, except that the Chickasaw boundary was specified to be as follows: "Beginning on the ridge that divides the waters running into the Cumberland, from those running into the Tennessee, at a point in a line to be run northeast, which shall strike the Tennessee, at the mouth of Duck river; thence running westerly along the said ridge, till it shall strike the Ohio; thence down the southern banks thereof to the Mississippi; thence down the same, to the Choctaw line of Natchez district; thence along the said line, or the line of the district, eastwardly, as far as the Chickasaws claimed, and lived and hunted on, the twenty-ninth of November, one thousand seven hundred and eighty-two. Thence the said boundary, eastwardly, shall be the lands alloted to the Choctaws and Cherokees to live and hunt on, and the lands at present in the possession of the Creeks; saving and reserving for the establishment of a trading post, a tract or parcel of land to be laid out at the lower post of the

Muscle Shoals, at the mouth of Ocochappo, in a circle, the diameter of which shall be five miles on the said river, which post, and the lands annexed thereto, shall be to the use and under the government of the United States of America."[1] This treaty ratified and confirmed one made by Commissioners Donelson and Martin on behalf of North Carolina in 1783.

At the conclusion of these three treaties, the United States Commissioners made a report to the President of Congress, Richard Lee, saying: "The Spanish and French from New Orleans, are making great efforts to engross the trade of the Indians; several of them are on the north side of the Tennessee, and are well supplied with the proper goods for the trade. The Governor of New Orleans or West Florida has sent orders to the Chickasaws to remove all traders from that country, except such as should take the oath of allegiance to the Catholic King."[2]

Emissaries of the northern tribes were also moving among the Indians of the "Old Southwest," urging them to begin hostilities against the settlers of the Cumberland region the next spring, or fall at the latest.[3] Furthermore, the

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[1] United States Congress, Indian Treaties and Laws, 175-177.

[2] Letter from United States Commissioners to Richard Lee. Cited by J. G. M. Ramsey, Annals of Tennessee, 336-337.

[3] Ibid., 337.

British from the posts in the northwest, which they still held in spite of the terms of the treaty of 1783, were also trying to influence the southern as well as the northern Indians to fight against the settlers in the United States territory west of the Alleghany Mountains.[1]

Added to such opposition to the treaties of peace between the United States and the tribes of the southwest, was the opposition of the southern states. William Blount, a member of Congress as well as an agent for North Carolina, carried his objections to the treaties into the National Legislature, maintaining that that body had no right to make a treaty contrary to the laws and constitution of North Carolina. Arguments between the contending parties lessened the effect of the wise treaties that the Central Government had made. Settlers upon the lands guaranteed to the Indians by the United States, refused to return them to the rightful owners and the seed for future contention was thus sown even though the Indian aggressions were "less frequent and less aggravated" during the succeeding year.[2] Meanwhile, the settlements were not extended, but the number of inhabitants

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[1] American State Papers, II, 39, 327.

[2] J. G. M. Ramsey, Annals of Tennessee, 499.

increased[1] and great progress was expected as a result of the renewal of friendship with the Cherokees,[2] Such was usually the case after a treaty of peace.[3]

Creek aggressions against the people of Georgia continued without alleviation. "For some time after the treaty of Hopewell they were the principal marauders and plunderers of the Cumberland settlements, and the chief perpetrators of all the massacres committed on the settlers.[4] Probably they encouraged some of the Cherokee warriors to make invasions into the settlements,[5] for, in the early summer of the year 1786, Governor Sevier found it necessary to punish some of the members of that nation.

He set out from Houston's Station on the Little River and marched into the Cherokee country at the head of a company of one hundred and sixty men, destroying the Valley Towns, and killing fifteen or twenty Cherokee warriors. While they were among the Valley Towns, there was some discussion upon the part of the Franklin troops, as to the ad-

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[1] John Haywood, Civil and Political History of Tennessee, 227

[2] Ibid., 226.

[3] American State Papers, II, 47.

[4] John Haywood, Civil and Political History of Tennessee, 227.

[5] J. G. M. Ramsey, Annals of Tennessee, 499, 500.

visability of marching on through the rest of the Cherokee country; but news was received that John Watts with a thousand Indians, was lying in ambush upon the rocks which overhung the trail that Sevier and his men would have to follow if they continued their march. Hence, the troops returned home, without attempting to complete their vengeance.[1]

Soon after this partial defeat of the Indians, Governor Sevier appointed William Cocke, Alexander Outlaw, Samuel Weit, Henry Conway, and Thomas Ingles as commissioners for the State of Franklin to negotiate with the Cherokee Indians. These men met Old Tassel, Hanging Maw, and other Cherokee chiefs representing that nation, at Chota Ford, July 31, 1786. Negotiations were begun at that place for a treaty which was finally concluded at Coytoy, August 3rd of the same year. During these negotiations, the commissioners from Franklin spoke very plainly to the Chota Indians, telling them that they were the ones who had been doing the plundering in the settlements, in spite of the fact that the Cherokees had tried to put the blame upon the Creek Nation. Warning was given that, if murder and depredations were ever again committed against the settlers by the Indians, and the

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[1] J. G. M. Ramsey, Annals of Tennessee, 341.

culprits were not given up by the town from which they came, then the white people would destroy it. The commissioners also made it known to the Cherokees that all the lands north from the Tennessee River to the Cumberland Mountains had been sold by the Indians to white people who intended to settle upon them. Furthermore, as recompense for the breaking of treaties made with Congress by the Indians and for the expense of the expeditions which their disregard for such agreements had caused, the Franklin Commissioners claimed all Indian lands over which citizens from the State of Franklin had marched as the property of that state. In spite of such plain language, Old Tassel and Hanging Maw signed a treaty with the Commissioners from Franklin which contained the following clause: "We hope we shall live friends together on it (land), and keep our young men at peace, as we all agree to sign the above terms and live brothers hereafter." The Cherokee Nation as a whole did not agree to this humiliating peace, and hostilities continued as though no treaty had been made.[1]

Meanwhile, upon July 12, 1786, Congress had revoked the commissions for treating with the Northern, Southern, and

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[1] J.G.M. Ramsey, Annals of Tennessee, 343-346.

Middle Divisions of Indian Affairs which had been granted May 17th and September 22nd, 1785.[1] August 7, 1786, Congress passed an act reorganizing the Indian department into two divisions, a Northern and a Southern. The Southern Division, according to this act of Congress, was to comprehend all the Indians living upon United States territory lying south of the Ohio River; while the Northern Division was to include all the tribes living north of the Ohio and West of the Hudson River. Congress also provided that a Superintendent of Indian Affairs was to be appointed for each of these districts, who should hold his office for two years, unless removed previously by Congress. Each superintendent was to live within or as near as possible to the district over which he presided. He was to enforce the regulations which Congress might make in the district to which he was assigned; to correspond regularly with the Secretary of War, making known all matters pertaining to the business of the Indian Department, in order that the Secretary of War might be able to inform Congress intelligently upon Indian affairs; to obey all orders from the Secretary of War; to make known symptoms of hostilities upon the part of the Indians to the Executive of the state or states whose

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[1] United States Congress, Indian Treaties and Laws, 441-442.

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territories might be affected by such hostilities; to act in conjunction with the authorities of the states in all cases where transactions with any tribes of Indians might interfere with the legislative right of any state; to give the presents, which Congress might deem necessary to the Indians; and to give licenses to trade with the Indians to all citizens of the United States who could produce, from the governor of any state, a certificate saying that the former was of good character and qualified for trading with the Indians.

At the same time, Congress decided that only citizens of the United States should be allowed to reside among the Indians or to trade with any tribe living upon territory belonging to the United States. Furthermore, no citizen of the nation should live among the Indians, under a penalty of five hundred dollars, without having a license purchased for that purpose from the Superintendent of the district or from one of his deputies. For such a license, to be in force for a period not longer than one year, a fee of fifty dollars was to be charged, the proceeds of which were to be put to the use of the United States government. Before receiving permission to trade or reside with the Indians, any person must give a bond of three thousand dollars for his

conscientious observance of such rules and regulations as Congress might establish for the government of the Indian trade. In order that Congress might be sure that the Superintendents of Indian Affairs did not use their offices for dishonorable gains, it was required that each superintendent should make an annual account of all sums received for licenses and fines to the Treasury of the United States. In addition to this, the superintendents and deputies were forbidden to engage in any trade with the Indians, and were required to give bond for the faithful discharge of their offices - the superintendents, six thousand dollars and the deputies, three thousand dollars, each.[1]

In July, 1787, Congress resolved that all communications between Congress and the Indians should be made through the Superintendents of Indian Affairs, and that, in case any person should conduct a party of Indians to the seat of government, he should be responsible for all expenses incurred. If he happened to be a trader, his license would be revoked and at no time would it be renewed. Evidently Congress was anxious to cut down unnecessary expenses by preventing the numerous visits of the Indians to New York.[2]

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[1] United States Congress, Indian Treaties and Laws, 442-444; American State Papers, II, 14.

[2] United States Congress, Indian Treaties and Laws, 445.

October 13, 1787, Congress resolved that twenty thousand dollars should be appropriated for Indian treaties to be made whenever they might seem necessary to Congress.[1] The 31st of the same month, Congress authorized the Executive or the Legislature in the states of North Carolina, South Carolina, and Georgia to appoint, each of them, one commissioner; who, in conjunction with the Superintendent of Indian Affairs for the Southern Department, or, in his absence, by themselves, were to negotiate a treaty for establishing peace between the United States and the Indians of the Souther Department. Any two of these Commissioners together with the Superintendent might act "conclusively."

Six thousand dollars, besides such goods as had been in the hands of the former superintendent and intended for a treaty with the Southern Indians, were to be applied to the holding of a treaty at such time and place as the Superintendent of Indian Affairs in the Southern Department might choose. North Carolina, South Carolina, and Georgia were to be called upon to give the sum needed for this treaty and were to be accredited with it in the next requisition made upon the states by Congress. The Commissioners were also authorized by Congress, to apply to those states

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[1] United States Congress, Indian Treaties and Laws, 445.

for men, not to exceed one hundred in number, to protect the supplies and the persons of the commissioners.[1]

Meanwhile, the danger from Indian hostilities had become so great that in June,1787, Colonels Robertson, Hayes, and Ford, together with Captain Rains, made an expedition into the Cherokee country, in spite of the policy of Congress which forbade any offensive action being taken against the natives. These men, commanding civilian troops from the Cumberland settlements, marched down to Muscle Shoals, raiding the country as they went along. This expedition surprised the Indians and caused them to have more respect for the ability of the white people.[2]

Indian trouble had also been going on upon the Georgia frontier, simultaneously with that at the north. Governor Sevier tried to form a union between Franklin and Georgia for mutual protection; but Governor Hadley of Georgia, ignored his proffered and until after his term of governor had expired. Then he wrote, February 19, 1788, telling Sevier that Georgia no longer intended to attack the Creek settlements because of the act of Congress of October 27th, 1787.

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[1] United States Congress, Indian Treaties and Laws, 446.

[2] Albert Pickett, History of Alabama, 378-380.

Creek depredations continued throughout the year 1787 in spite of everything that Congress could do to win their friendship. There being no cessation of hostilities in 1788, Congress gave the Superintendent and Commissioners for the Southern Department permission, July 15, 1788, to warn the Creek Indians that, if they continued to make inroads upon Georgia, the army of the United States would be called out to protect the frontier. That same day, the Secretary of War reported a plan to Congress for carrying this into effect.[1]

September 1, 1788, Congress issued another proclamation, warning all settlers living beyond the boundary line, established between the Cherokees and the United States, to leave the region. Those living at Chota, on the frontier of North Carolina were especially warned to depart. At the same time, Congress instructed the Secretary of War to have sufficient United States troops ready to march from the Ohio River to the protection of the Cherokees, whenever Congress might direct it. The Secretary of War was also instructed to obtain information of the best routes from the Ohio to Chota, and for dispersonging all the white settlers upon the hunting

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[1] United States Congress, Indian Treaties and Laws, 447.

grounds guaranteed to the Cherokees by the treaty of November 28, 1785.[1]

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[1] United States Congress, Indian Treaties and Laws, 447-449.

CHAPTER V.

THE RELATIONS BETWEEN THE UNITED STATES AND THE CREEK INDIANS FROM 1789 to 1795.

The year 1789 witnessed the establishment of a truly federal government in the United States. Previous to that time, the states of America which had recently acquired their independence from Great Britain, were bound together as a loose confederation in which the Chief Executive of the United States was merely the President of Congress, exerting far less influence than the governors of some of the states. Congress, itself, was a weak and ineffective body, having no means of enforcing its laws. In 1789 all that was changed by the adoption of the Constitution under which the United States is still governed.

Under the form of government thus established the Chief Executive of the United States was President, not of a weak Congress, but of the United States. To him were given powers sufficient to enforce Federal policies within the states. Congress also received new vitality from the Constitution. That body secured power not only to make laws,

but also to levy the taxes necessary for the support of an effective government. Furthermore, the Constitution provided for the establishment of Federal Courts in which all cases relating to the constitutionality of the measures of the Federal and State governments might be tried.[1] Thus the Central Government acquired power to regulate matters which concerned all the states of the Union.

In time, this establishment of a strong Central Authority had a beneficial effect upon the Federal Indian policy. Congress was no longer dependent upon the contributions of the states in order to have its laws enforced. Having the power to levy taxes and to raise and support troops at will, Congress might carry out its Indian policies without consulting the individual states. The Constitution also gave Congress the power to regulate the commerce with the Indians.[2] To the President was given the right to make treaties, with the advice and consent of the Senate.[3] These wise provisions gave the

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[1] The Constitution of the United States. Cited by Harpers Encyclopaedia of United States History, II, 333-344.

[2] The Constitution of the United States, Article I, Section 8.

[3] Ibid., Article II, Section 2.

Federal Government complete control of the affairs of most of the Indians in the United States.

However, an effective Indian policy was not immediately established. Want of money prevented Congress taking an energetic attitude towards Indian affairs. Money was most essential to the success of the new government in every field,[1] for the United States owed large sums to creditors at home and abroad. There was almost no money in the National Treasury, and none could be obtained until the new Congress could pass laws providing for the organization of the machinery of government. Even then, no taxes could be collected until some general legislation was passed regulating the manner in which they were to be levied.[2] Meanwhile the national debt increased daily.[3] It was with difficulty that even the expenses of the Congressmen were paid.[4]

Congress, however, was very deliberate about taking the actions necessary to procure funds. Debates over the first tariff law continued for months because of the sectional interests

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[1] Edward Channing, A History of the United States, IV, 38, 39.

[2] Ibid., 60.

[3] Ibid., 67-68.

[4] Ibid., 60-61

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involved. In fact, the act establishing this tariff was not approved by the President until July 4, 1789, and did not go into effect until the first day of August following. July 31, an act was passed providing the machinery for collecting the duties and September 2, the Treasury Department was established.[1] During all that time, there was no money, to support troops while on an expedition into Indian country.

August 7, 1789, the War Department was reorganized by an act of Congress. The man at the head of this Department was to be under the direction of the President, and was to supervise Indian affairs in addition to his other duties. Soon after this act was passed, President Washington appointed General Knox, who had been commander-in-chief of the artillery in the Revolutionary War, and the presiding officer of the War Department during the latter part of the period in which the United States was governed under the Articles of Confederation, as Secretary of War.[2] During the American Revolution, General Knox's service had been of great value

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[1] Edward Channing, A History of the United States, IV, 63-64.

[2] James Russell Soley, Wars of the United States, cited by Justin Winsor, Narrative and Critical History of America, VII, 357-358.

to the cause of freedom, and he had become one of Washington's most trusted friends. Being acquainted with Washington, and sharing his ideals, these two men worked without friction for the betterment of the Indians within the boundaries of the United States from 1789 to 1795. Throughout this period, General Knox held the position of Secretary of War in Washington's Cabinet, aiding in administering the Federal Indian policy with wisdom and justice.[1] Both Washington and Knox favored a kindly policy towards the Indians by which the latter might be won to friendship with the United States and to civilization. In addition to their humanitarian feelings towards a weaker people, these leaders had also some wise fears, which influenced their attitude towards the Indians. Negotiations with Spain were pending throughout the time that Knox was Secretary of War, and anxiety lest Spain might take offense at the Federal policy towards the Indians, caused the President and his Secretary of War to be exceedingly gentle and kindly in their administration of Indian affairs.[2]

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[1] Encyclopaedia Britannica, Eleventh Edition, XV, 878.

[2] American State Papers, II, 52-54, 65-68.

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For some months previous to the final adoption of the Constitution, Henry Osborne and Andrew Pickens had been moving among the Indians along the frontier, working in behalf of the Central Government. For almost a year they had been constantly urging the Indians to meet with them and form a treaty which would put an end to the struggle between the native tribes and the United States. Washington and Knox, when they came into office, favored and encouraged the work which these men were doing.[1] In the meanwhile, Alexander McGillivray was doing all in his power to prevent any successful negotiations being carried on between the United States and the Creeks, or between the United States and the Cherokees. He was constantly stirring up the animosities of the Indians against the frontiersmen from the United States because he hated and feared that nation and favored Spanish interests.[2]

After almost a year of effort, upon the part of the United States, to obtain a treaty with the Creek Indians,[3] McGillivray agreed to meet Commissioners from the United States at Rock Landing on the Oconee River, September 15, 1789.[4]

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[1] Albert Pickett, History of Alabama, 389.

[2] American State Papers, II, 31.

[3] Ibid., 31.

[4] Ibid., 37, 71

David Humphreys, Cyrus Griffin, and Benjamin Lincoln were appointed by Washington to act as Commissioners for the United States in the negotiations to be held at that place.[1] At the appointed time, these Commissioners arrived at the Oconee River and found McGillivray already encamped upon the western bank of that river with two thousand warriors.[2] He invited the Commissioners to come to his camp in order that they might have a private conversation together before the opening of the treaty. The Cussetah king, the Tallasee king, and the Hallowing king "attended" the commissioners as a deputation from the whole nation to congratulate them on their arrival. "After the customary ceremony, they expressed the most ardent wishes to establish a lasting peace with the United States, and declared their extreme joy that the day was come, which afforded a fair opportunity for accomplishing an object so interesting and desirable to their nation."[3]

Two of the Commissioners had arrived at Rock Landing upon the twentieth and the third one reached that place by the twenty-second of September.[4] By the twenty-fourth, all of the preparations had been made for the treaty, and the

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[1] American State Papers, II, 65.

[2] Albert Pickett, History of Alabama, 396.

[3] American State Papers, II, 72.

[4] Ibid., 71, 72.

Commissioners crossed the Oconee to attend the Creek ceremony of the black drink, and to present the tentative terms of a treaty of peace. After the ceremony of black drink the Commissioners gave the Creeks a "peace talk," trying to show them that an alliance with the United States would be more profitable than one with any other white nation. They said, "You are under the necessity of being connected with the white men, because you want their goods and merchandise. We can make a reasonable profit, by your articles of export, and afford such imports as you may want, at rates cheaper than they can be obtained in any other place. A secure port in our country will be much more convenient for you than a port in any other country. Thus both of us will be gainers by being friends. The promotion of our mutual interest will promote our mutual friendship." The chiefs received this talk with "strong marks of approbation" and the Commissioners then presented the terms of a treaty which they had drafted. By this treaty, the boundary between the citizens of the United States and the Creeks was described as follows: "From where the former line strikes the river Savannah; thence, up the said river, to a place on the most northern branch of the same, commonly called the Keeowee, where a northeast line, to be drawn from the top of the Occumna mountain, shall intersect;

thence along the said line, in a southwest direction, to Tugaloe river; thence to the top of the Currahee mountain; thence, to the head of the most southern branch of the Oconee river, that is to say, the river Apalachy, including all the waters of the same; thence, down the said river, to the confluence of the Ockmulgee; thence, on a southwest direction, to the most southern part of the river St.Mary; thence, down the said river, to the old line." This was practically the boundary stipulated by the treaties of Augusta, and Galphinton. In return for the lands thus ceded by the Indians, according to the terms submitted by the Commissioners, the United States would guarantee the lands west of the line designated by the treaty to the Creeks forever; and a free trade would be established with the Indians through posts to be established upon the Altamaha.[1] After presenting these terms, the Commissioners retired to their encampment feeling confident that the treaty which the United States Government had been so anxious to obtain was about to be made.

The next morning, the Commissioners received the following note from McGillivray, "The chiefs were in council until very late last night. The result appears to be, that they are not entirely satisfied with all parts of your talk; they

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[1] American State Papers, II, 73.

object principally to the boundary marked out in the talk; however, it was my decision to let the matter stand as it was for the present — the hunting season being at hand. The chiefs should take care to prevent every act of hostility or depredation on the part of the warriors during the winter, and until we heard farther from you on the part of the United States. They resolve to break up to depart; it would be proper to give some presents, that they may not complain of losing their time, &c. &c." However, he promised that he would cross the Oconee and have a "full and free" conference with the Commissioners. Not more than an hour before his abrupt departure, he repeated his promise that he would state his objections to the draught of the treaty. "Very soon after this, he sent a verbal message, that he was constrained to fall back four or five miles, for the purpose of obtaining better forage for his horses; and that he hoped that the commissioners would not misconstrue his intentions." To the astonishment of the Commissioners, they afterwards found that he had retreated fifteen miles under the false pretext mentioned in his letter from Oakmulgee,[1] September 27, 1789. This

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[1] American State Papers, II, 74.

letter read as follows: "Gentlemen: I am favored with your letter of yesterday, by Weatherford. I beg to assure you, that my retreat from my former camp, on the Oconee, was entirely owing to the want of food for our horses, and at the earnest entreaty of our chiefs. Colonel Humphreys and myself, at different interviews, entered minutely and deeply into the subject of contest between our nation and the State of Georgia. I observed to him, that we expected ample and full justice should be given us, in restoring to us the encroachments we complained of, in which the Oconee lands are included; but finding that there was no such intention, and that a restitution of territory hunting grounds was not to be the basis of a treaty of peace between us, I resolved to return to the nation, referring the matter, in full peace, till next spring. Many of the principals having gone hunting, nothing farther can now be done. I am very unwell, and cannot return. We sincerely desire a peace, but we cannot sacrifice much to obtain it. As for a statement of our disputes, the honorable Congress has long ago been in possession of, and has declared that they would decide on them in the principles of justice and humanity. 'Tis that we expect. I have the honor to be, &c. Alexander McGillivray."[1]

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[1] American State Papers, II, 75.

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The Commissioners, humiliated and disappointed, withdrew to Augusta, where they began an investigation of the relations between Georgia and the Indians. The aid of Governor Walton of Georgia, was solicited in the following manner:

"Sir:

As a variety of reports have been circulated throughout the United States, relative to the circumstances under which the treaties of Augusta, in 1783, at Galphinton, in 1785, and at Shoulderbone, in 1786, were formed; and as it is highly important that facts should be ascertained, we take the liberty of requesting your honor that you will be pleased to assist us in obtaining the information necessary for that purpose.

"The principal points to which our attention has been attracted, are: whether all lands belonging to the Upper and Lower Creek are the common property of the whole nation: or, whether the lands stated to have been ceded to Georgia by the three treaties, or either of them, were acknowledged by the Upper Creeks to be the sole property of the Lower Creeks?

"Whether the acknowledged proprietors of the lands stated to have been ceded to Georgia were present or fully represented at the said treaties?

"Whether the Creeks present at the said treaties did act with a full understanding of the cessions they are stated to have made?

"And whether the said treaties and cessions were freely made on the part of the Creeks, uninfluenced by any threats or implication of force?

"It is also desirable that any other interesting circumstances connected with the object of these inquiries should be made known to us: for example, whether the Indians did, for any considerable length of time, acquiesce quietly in the location and settlement of the lands in question?

"What value in goods has been given at the several treaties, as presents or compensations for the cessions? And, in effect, whatever other matters may serve to place the conduct of the State of Georgia, on this subject, in its true point of light.

"After being possessed of the written and official documents, we wish to receive oral information from private characters who were present at the several transactions before alluded to.

"We have the honor to be, with great respect, sir, your most humble servants,

B. Lincoln

C. Griffin

D. Humphreys."[1]

October 4, 1789, Governor Walton replied:

"Sire:

The communications which you were pleased to make to me first after your return from the Rock Landing, on the 2d instant, shall be laid before Council, and made the foundation of a proclamation, the object of which shall be to meet and reciprocate the assurances of the chiefs of the Creek Indians, for preserving of peace.

"With respect to the further particulars stated in your favor of the 3d, I am sorry that so many persons who were privy to the transactions to which they allude, are, at this time, engaged in their attendance on the general election, whose testimony, were they present, would point to the truth of facts, through all that variety of report which originated equally from private speculation and personal disappointment. I have, however, directed such documents as are immediately

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[1] American State Papers, II, 76.

within my power, to be made out for your present information.

"From all the evidences which have or shall be collected it will be found, that the lands between the mountains and the old Ogeechee line, north of the Oconee, were ever equally claimed by the Cherokees and the Creeks; and that, by a convention had before the Revolution, the land comprehended within the limits afterwards called the ceded lands, and now Wilkes county, were ceded at the same time, by the heads of the two nations.

"That, during the progress of the late war, the State had been, alternately attacked by either, and that, at the close of it, they were respectively called upon to make some satisfaction. Accordingly, in the spring of 1783, the Cherokees, attended by a few Creeks, came down to Augusta, talked the matter over, avowed their claims to the lands in question; agreed to and signed a treaty; and, in the autumn of the same year, the Creeks, chiefly of the Lower towns, also came down; talked their matter over; avowed their claim; and agreed to and signed a treaty on their part, whereby the state obtained the relinquishment of the right, or claim of right, of both nations, to the lands therein described and bounded. These treaties were laid before the Legislature, with all that order of business and deliberation required by public and fair pro-

ceedings, and the lands were divided into counties. The offices were opened, and the lands surveyed, granted, felled, settled, and cultivated, in perfect peace.

"The writer was present at both these conventions. The first he wrote from principles previously agreed upon, and which were made the foundation of the propositions to the Creeks in the fall.

"At neither were there any men in arms, or the smallest coercion used; the conduct of the Indians was voluntary, and while, on their part, they were rendering satisfaction, they also received valuable considerations in presents.

"When the treaties were over, it is within his most lively recollection that the commissioners, the chiefs, the citizens, and the Indians, ate, drank, and reciprocated all the usual marks of friendship, satisfaction, and peace; nor was it until a considerable time afterwards, that any umbrage was taken by the Upper Creeks, when a new motive and principle of direction appeared to have sprung up in the nation, which pretended, for the first time, and equal claim to the hunting grounds on the Oconee.

"At the treaty of Galphinton, in the year 1785, it is said, some new opinions were disseminated; be that as it may, the treaty, and the testimony respecting the conduct of it,

show, plainly, the good intentions of the State upon the occasion. The writer can say but little thereupon, as his engagements were then in a different line, which left no surplus attention to the other departments. In the year 1786, he was of the Legislature, when the arrangements took place for the convention at Shoulderbone. To doubt the validity of treaties, had become familiar to the Indians, as well as to think triflingly of the power of the State. To settle a substantial peace, and to remove these impressions, formed the objects of Government. The commissioners employed were respectable men, and the officers attending were of service and distinction. A sacrifice of their fame was not to be expected, and it evidently appears, that no unworthy use was made of the force which was sent upon the ground.

"In the year 1787, their attacks were renewed, and repeated on almost all our frontiers. Then we resisted, and called upon the Union for support.

"A superintendent and commissioners were appointed, and all their endeavors have not been effectual to remove the cause of the untowardness of that nation, and out citizens have continued to be killed and plundered in the most cruel and distressing manner, until the late efforts for peace; even the new commission, which the States themselves so highly

respected, have been treated with an indifference which ought not to have been expected.

"I have the honor to be, sirs, with much estimation, your most obedient servant,

George Walton."[1]

After a careful investigation, the Commissioners reported to New York that "After consulting the best documents, and having recourse to creditable depositions, they are unable to discover but that the treaty of Augusta, in the year 1783, the treaty of Galphinton in the year of 1785, and the treaty of Shpulderbone, in the year 1786, were all of them conducted with as full and authorized representation, with as much substantial form, and apparent good faith and understanding of the business, as Indian treaties have usually been conducted, or perhaps can be, where one of the contracting parties is destitute of the benefits of enlightened society. That the lands in question did of right belong to the Lower Creeks, as their hunting grounds; have been ceded by them to the State of Georgia, for a valuable consideration; and were possessed and cultivated for some years, without any claim or molestation by any part of the Creek nation."[2] Alexander McGillivrey, according to the Commissioner's report, was

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[1] American State Papers, II, 76,77.

[2] Ibid., 78.

the cause of the trouble between the United States and the Creek Indians, and to him they attributed the failure of their mission.[1]

Washington was so angry when he heard how the United States Commissioners had been treated at Rock Landing that, at first, he though of sending an expedition against the Creeks which would force them to sign a treaty; but when the cost of such an expedition was computed, he saw the folly of his plan. The War debt was already so burdensome, that the United States could not afford to spend the fifteen or twenty thousand dollars which a war with the Creeks would cost. Besides, such a course of action might involve the United States in a war with Spain. Washington knew that the Union was still too weak to think of becoming the participant in another war with a European country, no matter how insignificant that nation might be. Not being able to wage war against the Creek Indians, Washington decided that he, himself, would try what he might do to bring about a treaty between McGillivray and the United States.[2]

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[1] American State Papers, II, 77.

[2] Albert Pickett, History of Alabama, 399.

Accordingly, Washington sent Colonel Willet, an officer who had served with distinction in the Revolutionary War, upon a secret mission to McGillivray. Colonel Willet left New York City, March 15, 1790, and landed in Charleston fourteen days later. From there, he went to the home of General Pickens, in whom alone Washington had given Willet permission to confide. Willet spent a week in conference with General Pickens discussing the most practical way of carrying out his mission. The latter had had many dealings with the Indians, and understood McGillivray and the character of the Creeks. Hence he probably was best able to give Colonel Willet instructions as to his method of procedure.[1] From the home of General Pickens, Colonel Marinus Willet set out upon his dangerous mission into the Creek country accompanied by a single Indian who was to guide him to McGillivray. Having reached the Creek country, Willet met McGillivray near the boundary and was conducted by that chief to his home at Tellase, near the Hickory Ground. McGillivray entertained this emissary from the Federal Government with his customary hospitality.

In fact, he was pleased by the attention which Washington had shown him by sending a special messenger, and he also liked Colonel Willet. After a few days conference between Willet and McGillivray, the latter appointed a council of chiefs of

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[1] Albert Pickett, History of Alabama, 400; William B. Stevens, A History of Georgia, 438.

the Lower Creeks to meet Colonel Willet at Ositchy, May 17th. At the council which assembled there upon the day appointed, Willet made a "peace talk" and invited the Indians to a council at New York. He reassured them of Washington's good will towards the Indians, and made known the desire of the Federal Government to form a treaty with the Creeks. The United States, he said, wanted none of their lands, and would secure them to the Creeks forever. Furthermore, the United States would promote Indian trade, and would do all in its power to contribute to the welfare and happiness of the Creek Nation. Peace was promised to the Indians, if they would send a delegation to the "council" at New York. To this the Ositchy Chiefs agreed. On May 21, Colonel Willet met another Council of Chiefs at Nickabache. There the proceedings were similar to those at Ositchy and the chiefs who assembled agreed to send representatives to New York.

Hence it was that, June 1, 1790, Colonel Willet started back to New York from the Hickory Ground, accompanied by McGillivray, eight warriors, and a few attendants. This party made its way to the home of General Pickens, where they were entertained for several days, being joined there by other Indians who increased the number of the party to thirty Indians. When this party left the home of General Pickens,

twenty-six of the Indians rode in the wagons, and the rest upon horse-back. As they travelled along the road to Philadelphia, they attracted much attention and were kindly received everywhere; but especially at Guilford Courthouse, Richmond, and Philadelphia. At the last place they took ship for New York, where the party landed May 20, 1790. It was greeted there with great splendor by the Tammany Society in the dress of their order, and escorted to the President with "much pomp and parade." After the Indians had been received by the President, they were conducted, with more ceremony, to the Secretary of War and Governor Clinton. After their reception there, the whole party was taken to the City Tavern where they were entertained for the rest of the day.[1]

The Indians were allowed to spend several days merely enjoying the city, and then measures were taken to bring Mc Gillivray into treaty relations with the United States. At first negotiations were conducted informally, according to Washington's wishes. This was a wise plan because the Governor-General of Havana having heard that McGillivray was going to New York, had sent an Agent from East Florida to New York with a large sum of money ostensibly to buy flour. He was probably directed secretly, to use this money as an officer

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[1] William B. Stevens, A History of Georgia, 438-441.

of Spain to keep McGillivray from making a treaty with the United States, or at least, to hinder negotiations and make them of as little effect as possible. Washington feared the influence of this agent, and for that reason wished to pursue the informal method of negotiation for in that way he could keep in the closest touch with McGillivray and his party.[1] Furthermore, this was the best way in which to win the friendship and good will of the Indians, for in such a type of negotiation, Washington himself could discuss the race problems with the Creeks in an easy, friendly manner best adapted to the Indian nature.[2] Not until August 6, did President Washington notify the Senate that negotiations were far enough advanced so that the informal method should give place to the regular negotiations. Henry Knox, Secretary of War, then took charge of procedures.[3] By that time, the terms of the treaty were well shaped, so that the duty of the Secretary of War was merely to put the Articles of the treaty into order, have it signed by the Indians, and seal it with the usual formalities.[4]

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[1] William B. Stevens, A History of Georgia, 441-442.

[2] Albert Pickett, History of Alabama, 405.

[3] American State Papers, II, 81.

[4] William Bacon Stephens, II, 442.

The treaty, in its final form, was signed August 7, 1790, by Secretary Knox, sole Commissioner for treating with the Creek Indians, and by Alexander McGillivray and other chiefs of the Creek Nation, twenty-three in number. By this treaty, perpetual peace was supposed to be established between the United States and all the towns and tribes of the Upper, Middle, and Lower Creeks, and the Seminoles, composing the Creek Nation. The Creeks acknowledged themselves to be under the protection of the United States and of no other sovereign and even promised that they would make no treaties with individual state or individuals within a state. The Indians were to deliver to the commanding officer of the troops stationed at Rock Landing, all citizens, white inhabitants, or negroes from the United States, who were prisoners in the Creek Nation. If any should not be returned before the first of June, 1791, the Governor of Georgia might send three persons into the Creek country to claim and receive such people. Furthermore, the Creeks recognized the line described in the treaty presented to McGillivray at Rock Landing by the United States Commissioners, Benjamin Lincoln, Cyrus Griffin, and David Humphreys, as their boundary; and agreed that this line was to be surveyed and marked off by a surveyor of the United States aided by three citizens of Georgia, ap-

pointed by the Governor of that State, and by three old chiefs to be appointed by the Creeks. These men were to assemble at Rock Landing, October 1, 1790; and to proceed from that place, marking out the boundary as they went and causing a strip of trees, at least twenty feet in width to be felled along the line established. To extinguish the Indian claims to the east of that line forever, the United States promised to give certain valuable goods to the Creeks together with an annuity of fifteen hundred dollars. In addition to this, they guaranteed to the Creek Chiefs, all of their lands in the United States west and south of the boundary line marked out as specified. If any citizens from the United States should attempt to found settlements in the lands thus assigned to the Indians, they forever would forfeit their right to the protection of the United States, and might be treated by the natives as they thought best, without any offense being given to the Federal Government. No citizen of the United States would hunt upon Creek lands, or even visit their towns without having a passport from the Governor of some one of the states, from one of the officers of the troops of the United States, commanding at the nearest military post, or from such other person as Congress might authorize to grant permission. The treaty also provided that the Indians should deliver any man within their tribe

who committed a crime against a citizen of the United States to the Federal authorities to be punished for the crime as he would be if he were a citizen of the Republic. If a white man committed an offense against an Indian, he was to be punished the same as though he had committed the crime against a citizen of the United States, and in the presence of a delegation of Creeks. No retaliation or reprisal should be made against innocent people because of an injury which had been done by somebody else. The contracting parties also agreed that violence should not be resorted to in case of a wrong being done, without satisfaction having first been demanded of the party who was the aggressor, and if refused, then a declaration of war was to be made before the beginning of hostilities. The Creeks agreed to give notice to the authorities of the United States, of any designs against the settlements which might be formed by neighboring tribes, or by individuals within the Creek Nation. In return, the United States agreed to give agricultural implements to the Creeks, and to assist them in farming and herding pursuits, for the sake of leading those Indians to a greater degree of civilization. And also, in order that better communications might be established between the Creek Nation and the United States, the Government agreed to send men, not to exceed four in

number, to live among the Creeks and qualify themselves to act as interpreters. These men were to be allowed to have lands to cultivate; but they were not to take any part in the traffic with the Indians.[1]

In addition to these provisions which were made public, Washington formed a secret article with McGillivray. By this it was provided that after two years, the commerce of the Creek Nation was to be carried through the ports of the United States instead of those belonging to Spain; that the Chiefs of the Ocfuskees, Tookabatches, Tallases, Cowetas, Cussetas, and Seminole nations should be paid one hundred dollars each annually by the United States, and be furnished with handsome medals; that Alexander McGillivray should be constituted an agent of the United States with the rank of Brigadier-General and paid twelve hundred dollars annually; and that the Federal Government should feed, clothe, and educate Creek youths at the north, not exceeding four at a time.[2]

Washington submitted this treaty to the Senate for ratification, saying that he thought it would bring peace and

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[1] American State Papers, II, 81-83.

[2] Ibid., 80; Albert Pickett, History of Alabama, 406.

prosperity to the southern frontier and be a means of firmly attaching the Creeks to the United States. He also expressed the hope that the treaty would satisfy the desires of Georgia as it contained the relinquishment, by the Creeks, of the lands on the Oconee, to the utmost extend which that state claimed. Thus, Washington hoped, the principal cause for hostilities between the Georgians and the Creeks would be abolished by the ratification of the treaty.[1] General Knox then read the treaty to the Senate hurriedly, it was said, and inaudibly. After the reading of the treaty, President Washington and Secretary Knox both remained in the Senate House, expecting the treaty to be ratified immediately. However, Senator Maclay, of Pennsylvania, objected to having the Chief Magistrate of the country present in the Senate while this matter was under discussion, as the senators were awed and afraid to speak their minds while Washington was in the room. Hence, Maclay boldly moved that the ratification of the treaty be delayed until the Senate might have had time to submit it to a committee for inspection, and to discuss it in the Senate. Washington was angered by this motion, which

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[1] American State Papers, 81.

he regarded as an insult to his dignity; but nevertheless, the ratification of the treaty was delayed until the terms could be investigated by the Senate. Thus the treaty with the Creeks represented, not only the policy of Washington and Knox in regard to Indian affairs; but also that of the Senate.[1]

Washington thought this treaty was of great importance because of the provisions which it made to form new channels for the commerce of the Creeks through the United States. Trade and commerce was the chief means of managing the Indians. Consequently the United States would have no assurance that the terms of the treaty would be obeyed by the Creeks so long as two foreign powers controlled the Indians' trade. Hence it was necessary to transfer the commerce of the southern Indians from Mobile and Pensacola to some port on the Altamaha. This, however, was an operation requiring time, as the friendship between the Indians and the Spaniards could not be suddenly broken "without the greatest violation of faith and morals." Thus the secret article of the treaty made provision that "The commerce necessary for the Creek nation shall be carried on through ports, and by the citizens of the United States, . . . by the United States, or be-

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[1] William Maclay, Journal of. Cited by Willis Mason West, American History and Government, 337.

fore the first day of August, one thousand seven hundred and ninety-two. In the mean time, the said commerce may be carried on through its present channels, and according to its present regulations."[1]

Even after the treaty had been signed, however, the problem of appeasing the animosities of the Creeks and of establishing the boundary between those people and the State of Georgia remained. During the year 1791, plans were being made for the meeting to be held at Rock Landing in October. May 25, Secretary Knox wrote to Major Richard McCall, the commanding officer of the United States troops in Georgia, telling him to send Burbeck's and Savage's companies to Rock Landing, or some other place on the Oconee, for the sake of marking the line in the autumn. Furthermore, he asked McCall to notify the Governor of Georgia to send three citizens of that state to attend the running of the line according to the terms of the treaty. McGillivray was likewise to be requested to send three Creek Chiefs.[2] May 31, Knox sent John Heth, an ensign in the first American regiment, to

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[1] American State Papers, II, 80.

[2] Ibid., 125.

carry a letter and two thousand none hundred dollars to Mc Gillivray. The money was the sum to be paid annually to the Creeks and their chief, and the letter was intended to impress McGillivray with the necessity of the Creeks delivering up all prisoners, whether white or negroes, according to the terms of the treaty; and of appointing three old chiefs to attend the Rock Landing on the first day of October. Heth was directed to stay in the Creek nation with McGillivray until that day, doing everything within his power to conciliate and nothing to irritate the chief, for McGillivray was "the soul of the Creek nation" and the key to success in dealing with the rest of the tribe. Meanwhile, the murder of an Indian, now and then, by some lawless white man, threatened to throw the United States into serious trouble as, according to primitive customs, the family of the deceased was bound to obtain satisfaction. McGillivray was urged to prevent such occurrences by discountenancing the "nefarious" practice of stealing horses, and by reporting the murder of one of their nation, or any other violation of the friendship between the United States and the Indians, to the President in order to allow him to settle the matter.[1] At the same time, Major McGall was

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[1] American State Papers, II, 125-126.

acting upon instructions which directed him to manage the troops in Georgia with great prudence and circumspection so offense might not be given to the Indians. In fact, the purpose of having troops in Georgia was to preserve peace, conciliate the frontiersmen and the Creeks, and to give security to the settlers who had been driven from their possessions by Indian hostilities. All martial parades and threatening appearances were, therefore, to be avoided, while cordial conduct was to be bestowed upon all well behaved Indians.[1] July 13, Andrew Ellicott was appointed to act as surveyor, on behalf of the United States, in marking out the line agreed upon at New York. As he was occupied by other government work at that time, he deputed his brother, Joseph Ellicott, to take up the work, providing that the President approved. Accordingly, Washington ordered the latter to go to Richmond, Virginia, then to Augusta, and the Rock Landing in Georgia. When he arrived there, he was authorized to immediately proceed to run the line up the south branch of the Oconee. By the time that part of the line was finished, Andrew Ellicot was expected to be ready to continue it; but in case he did not arrive,

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[1] American State Papers, II, 125.

Joseph Ellicott was ordered to run the line to the Currahee mountain and to continue it from thence as stated in the treaty.[1] At Rock Landing the Federal Government had caused a large fort to be erected and into it a large garrison of soldiers had been placed. From the fort, McGillivray was constantly urged to consent to the running of the boundary line and to assist in its execution; but the chief of the Creeks delayed and threw all the blame upon the hostile efforts of Augustus Bowles who was living among the Indians at that time.[2]

Bowles was a deserter from the British army and had lived upon the Tallapoosa for several years, acquiring the Muckogee language to great perfection. "His elegant and commanding form, fine address, beautiful countenance of varied expressions, his exalted genius, daring and intrepidity, all connected with a mind wholly debased and unprincipled, eminently fitted him to sway the bad Indians and worse traders among whom he lived." For some time this man accompanied by savages whom he had trained to navigate the ocean, engaged in piratical expeditions upon the coasting vessels belonging to Panton. Bowles captured some of these ships which were laden with arms and ammunition, "ran them up in bayous, where

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[1] American State Papers, II, 128.

[2] Albert Pickett, History of Alabama, 410, 415.

he and an abandoned set of white men from the prisons of London, together with hosts of savages, engaged in protracted debaucheries, and day and night made the woods echo with horrid oaths and panther screams." Boxes of merchandise were torn open and distributed among the Indians who carried the contents to all parts of the southwest.[1] Such piratical success soon won popularity for Bowles among the Creeks, and he advanced boldly into the heart of the nation denouncing Mc Gillivray as a traitor to his people. He also tried to put himself into the position of influence enjoyed by the Chief of the Creeks, and was aided in his attempt by "many bad men of influence with the Indians" who tried to stir up rebellion. Most conspicious among these reprobates was Wilbanks, a refugee Tory from New York, and a half-breed Cherokee named Moses Price. Bowles and his associate contended that neither the Americans nor the Spaniards had any right to control the Indians, for England had not ceded any of her territory to either power.[2] Meanwhile, McGillivray withdrew to New Orleans where he stayed until the spring of 1793.[3] James Seagrove

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[1] Du Lac's Voyage dans les deaux Louisianes, 458-460. Cited by Albert Pickett, History of Alabama, 410.

[2] Ibid., 410-413.

[3] American State Papers, II, 250.

thought ~~that~~ McGillivray had really believed at first that Bowles was a representative of the British Government and had therefore withdrawn because he desired to aid in re-establishing the British authority over the southwest.[1] However that might be, Mr.Hammond, the British minister to the United States, disowned any connection with Bowles and denounced him as an imposter.[2] Many people believed, nevertheless, that Bowles had so ingratiated himself with the Creek Nation that McGillivray never would regain his ascendency over them. The United States authorities thought this situation might offer the long sought opportunity to win the gratitude and friendship of McGillivray.

While the disturbances caused by William Bowles were at their height, James Seagrove was appointed to act as special agent to the Creek Nation.[3] It was his duty to have the impostorship of this British deserter properly exposed, to secure his arrest or cause him to be banished from the nation, and to establish order among the Muskogee tribes. In addition to that, he was to urge the Indians to comply with the terms

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[1] American State Papers, II, 306.

[2] Ibid., 246.

[3] Albert Pickett, History of Alabama, 410.

of the New York treaty both as to return of prisoners and the running of the boundary line; and to obtain a body of three hundred Creek warriors to join the American Army at fort Washington, in order to aid in the warfare against the northern tribes.

The Indian situation at that time was very critical. McGillivray was in New Orleans, and it was feared that he was about to withdraw from his nation entirely. However, Secretary Knox expected him to return about the first of March, 1792, and hence, warned Seagrove against making any strong attempts to remove even Bowles unless acting in conjunction with McGillivray, for the jealousy of the latter might easily be excited by any attempt to establish an influence over the Creeks independent of his aid and authority. Another difficulty which confronted Seagrove was that of securing the boundary line specified in the New York treaty. The Creeks were dissatisfied with that line and requested that it be changed before the survey was made. The United States was unwilling to give back the lands ceded to them by the Creeks, and hence Knox warned Seagrove that, owing to the inflammability of the Indians and a perturbed situation, it would not be wise to make the running of the line instantly a sole condition upon which the United States would continue at peace with the

Creeks. Added to all these difficulties, was the disastrous defeat of General St. Clair in the autumn of 1791. The northern tribes were elated by their victory over the Federal troops and were sending emissaries among the southern nations to urge them to begin a warfare against the frontier settlements. It was therefore, very important that Mr. Seagrove, as Superintendent of the Creek Nation, should succeed in drawing some of the Muskogee Indians into the United States army; for otherwise, a union of the southern and northern tribes might be expected.[1] Altogether, it cannot be denied that Mr. Seagrove's task was stupendous; but with the typical optimism of an Irishman,[2] he hoped that by a system of moderation and patient endeavor, he might cause the Creeks eventually to fulfill the terms of the treaty.[3]

During the fall and winter of 1791 and 1792, McGillivray visited New Orleans, Pensacola, and Mobile frequently, and was treated with great attention by the Spanish authorities in spite of the fact that he had made a treaty with the United States at New York. He professed to regret his trip to New York and begged them not to give him the title of general. By such means, McGillivray secured

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[1] American State Papers, 249-250.

[2] Albert Pickett, History of Alabama, 410.

[3] American State Papers, II, 256.

the aid of the Spanish Government in his struggle against the machinations of Bowles, and soon the freebooter was brought to New Orleans in chains.[1] McGillivray described his arrest in the following terms, "He was taken by stratagem at last; repeated attempts to take him in that way by the Spaniards he had evaded, but, on the arrival of Panton's ship,(Captain Forrest) Bowles had a design to take her, and he forgot himself so far as to accept an invitation to dine on board with some others. A Spanish guard had been previously put on board the ship, and, after dinner, Bowles was at length obliged to give up his arms, and surrender a prisoner, and was put on board an armed vessel, and sent to New Orleans; and this moment I have a letter from ..... Baron Carondelet, who informs me he has sent Bowles to the Havana."[2] Eventually he was sent to Madrid in Spain.[3]

The trouble caused by Bowles was not ended by his capture,[4] for partners of the freebooter remained in the Creek Nation and circulated stories which kept the Indians in a most distracted state. The principal of these friends

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[1] Albert Pickett, History of Alabama, 413.

[2] American State Papers, II, 296.

[3] Albert Pickett, History of Alabama, 413.

[4] American States Papers, II, 296.

was a man known by the name of Willbanks, a low, illiterate person who lived in the southwest. He persuaded the Creeks to be lieve that Bowles would return in a short time bringing quantities of goods with him. This was an especially easy task for Willbanks, as the Spaniards allowed Bowles to write to him from New Orleans. Timothy Barnard, acting as an agent for James Seagrove and living among the Creeks, wrote, "I cannot see into this manoeuvre of the Spaniards, giving him the privilege to write back, except it was that they thought it would be the means of pacifying the Indians, from committing violations on their territory, as I well know they are very much afraid of the Indians. As to Bowles ever coming back, I think it out of the question, after what he has done to Messrs. Panton and Leslie, as two thousand pounds will not replace the damage those gentlemen have sustained. After the Indians find Bowles does not come back, I am very sure they will draw in their horns, and matters may be still settled."[1] Probably the Spaniards were wise enough to seize the opportunity offered by the capture of Bowles, to keep the Creek Nation in a state of turmoil in order that the terms of the New York treaty might not be carried out. However

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[1] American State Papers, II, 297.

that may be, it is certain that they allowed Bowles an unusual amount of liberty after his arrest. James Seagrove even suspected that what appeared to be a capture of an impostor, was really a concerted plan between Bowles and the Spanish authorities.[1]

Soon after the apprehension of Bowles, Captain Don Pedro Oliver, a Frenchman in the service of the Spanish Government, made his appearance among the Creeks and was established at Little Tallassee in one of McGillivray's homes by May 11, 1793. The general took great pains in sending for a number of chiefs to whom he introduced this agent as their great friend who had come to live among them and do great things for them. Soon after this, McGillivray left the Creek Nation, taking with him nearly the whole of his property and going to New Orleans.[2] According to the testimony of Samuel Fulton, given under oath that he was telling the truth, to the Justice of the Peace of Fayettville, North Carolina, the former had heard Alexander McGillivray say that the Spaniards had given him three thousand five hundred

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[1] American State Papers, II, 305, 309.

[2] Ibid., 304, 308.

dollars to resign to them the government of the Creek Nation for one year. The same man also testified that he had heard Mr.Oliver say he was present at the Spanish treasury when Mr. Lewis Christian, Panton's clerk, drew his money out of the treasury.[1]

"As soon as Mr. McGillivray quit the nation," said James Seagrove, "Captain Oliver threw off all mask, by calling meetings in the towns, directing what the Indians should, and should not do; he, in the most public and positive manner, forbids them parting with a foot of land to the United States; and forbids their running their boundary line between them and Georgia; and positively tells the Indians not to have anything to do with the Americans. It is said by several persons ... that he has gone so far in the Upper towns, as to advise the Indians turning out against our people on the Western waters. I think this not improbable; for, about ten days past, he had the impudence to come into the Lower towns and give out public talks, and advised the Indians not to come near me, and on no account to run the line....

"A brother-in-law of General McGillivray is now here (a white man) of the name Charles Weatherford, who confirms

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[1] American State Papers, II, 463.

what I have related of this Spanish agent; and further says, that he has, at McGillivray's house, a quantity of goods, which he distributes among the Indians. That he draws orders on Government in favor of all the Indians going to Orleans, where they receive goods and ammunition; which they bring up in boats, and that they have a constant intercourse in this way. That this agent is busy in engaging the Indians to attend the treaty at Pensacola."[1]

William Panton was moving among the Indians of the southwest offering to lower the price of goods to the Cherokees and aiding Captain Oliver in his attempts to prevent the fulfillment of the terms of the New York treaty. He promised that the Spanish government would protect the Indians against the encroachments of the Americans, telling the natives that the King of Spain had sent a great many soldiers into West Florida for that purpose. Panton and Oliver both warned the Indians that the Americans were so poor that they could not give any presents such as axes, blankets, hoes, and strouds to their allies. According to these two emissaries, the United States did not manufacture any of those articles;

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[1] American State Papers, II, 304-305.

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[1] American State Papers, II, 404-[illegible].

but had to get them from England. Furthermore, Panton told the Indians that they must rob any of the American traders who might come among them, or that they might meet; and gave the Indians to understand that the Spanish subjects alone were allowed to trade with them.[1]

The latter statement was partially true for in June 1792, all persons residing in East and West Florida were called upon to take an oath of fidelity to Spain. Among other things, in this oath, they were sworn to fight for the King of Spain when called on, from the sea to the head water of the Alabama. James Leonard, who had been engaged in business at the Spanish post on the river Tensa, refused to take this oath and he was ordered out of the country in three days, stripped of all the property he had there, even of his horse, bridle, and saddle. At the same time, Governor O'Neal of Pensacola, issued an order to all the commandants along the coast and to Don Pedro Oliver, commandant of the Creek Nation, not to let any person pass to the United States who had not taken an oath of allegiance to Spain, and who could not make it appear they were going for the purpose of obtaining property due them in the United States. In case

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[1] American State Papers, II, 308.

any person should attempt to pass through the Creek nation contrary to these regulations, Oliver was ordered by Governor O'Neal to send the Indians after the offender who, if found, was to be stripped and killed.[1]

Altogether, Indians' affairs in the southwest seemed to be in a critical state during the summer and autumn of 1793. Spain was trying to form a coalition of the four southern tribes, and was using every means available to destroy the influence of the United States over the Indians. A party of Shawanese Indians, who declared that they would be at war with the United States as long as any of them should live, were sent among the Creek Indians with a Spanish interpreter. Meanwhile, McGillivray was encouraging the Creeks to disrespect the government of the United States by telling them that they had nothing to fear from the Federal authorities for stealing horses and being troublesome to the frontier because he had only to say that the white people were "saucy" to them, and they would be freed, as he had assurance from President Washington and Secretary Knox that the killing of a few people and the stealing of horses, event to the number of forty or fifty in either

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[1] American State Papers, II, 307-308.

case, would not cause the United States to send troops against the Indians.[1] Panton, Leslie, and Company were giving material aid to the Spanish cause by furnishing the Indians with arms and ammunitions,[2] urging that they be used against the Americans.[3]

The United States complained of the conduct of Baron de Carondelet, the man who had appointed Captain Oliver as Commandant of the Creek Indians. The Spanish Minister, Gardoqui, finally replied that the Spaniards had made a treaty with the Creeks in 1784 in which the latter had acknowledged the King of Spain as their only sovereign protector. In consequence of this treaty, Gardoqui said it became the duty of the Governor of West Florida to take measures for insuring the observance of the compact, by appointing some person to reside among the Indians for the purpose of keeping them at peace, and counteracting the designs of some who had endeavored to separate the tribes of the southwest from their alliance with Spain. This was a "provoking acknowledgement" of the injury which Spain had done the United States by meddling with the Indians who lived upon soil belonging to the American Republic.[4]

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[1] American State Papers, II, 308-309.

[2] Ibid., 308.

[3] Ibid., 311.

[4] John Haywood, Civil and Political History of Tennessee, 357.

After the death of Alexander McGillivray in February, 1793, the Creek Nation was thrown into "as convulsed a state" as was possible. Some of the Indians planned to go on an expedition into the settlements; but Charles Weatherford sent the White Lieutenant, Mammoth of the Pialeges, and other "Head-men" to the Lower towns to stop this meditated invasion. To add to the confusion in the nation, war between the Creeks and Chickasaws threatened. Several warriors of each tribe had been killed by some member of the other nation, and the system of revenging the murder of a relative or friend which was prevalent among the Indians made retaliation necessary. This in turn, was almost sure to lead to serious trouble. By April 19, almost all the Upper Creeks, to a man, had set out against the Chickasaws. Timothy Barnard, who was living in the Creek country at the time, thought almost two thousand of them had started. The Chickasaws had already killed some of the Cussetahs, a tribe that was still firm friends of the United States, and had carried off some of their children.[1]

Throughout the suffering of the frontier inhabitants caused by the unsettled condition among the Creeks and the natural inclination of the Indians to seek glory in the destruction of their enemies, James Seagrove saw only the bright

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[1] American State Papers, II, 386-387.

side of Indian affairs.[1] His optimism, in spite of the list of murders committed by the Indians,[2] was surprising. Sometimes it even appeared as though he was blind to the deceptions practiced by savages, and believed all that the Indians told him. Such seemed to be the case in November 1792, when Seagrove held a conference with the Lower Creeks at Rock Landing which was attended by about one thousand men, women and children. The object of the meeting was to confirm the New York treaty by giving the Indians coin and the clothing which was greatly needed, and thus attach the Creek Nation more closely to the interests of the United States. The Indians expressed their thanks for the presents, and appeared to be very grateful for the kindness shown to them;[3] but the testimony given by James Carey, one of the interpreters of the United States in the Cherokee Nation, disclosed the fact that the Creeks had decided to send the young warriors and a few chiefs to Pensacola to receive arms and ammunition, while the rest of the nation should go to meet Seagrove at Rock Landing in order to "give talks," and obtain all the presents they could until the nation was completely ready for war. This information

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[1] American State Papers, II, 320, 336, 373, 410, 471.

[2] Ibid., 329-332, 440, 443, 448, 453, 466.

[3] Ibid., 362.

was given to Carey by the brother of Chinnabie, the great Natchez warrior. The interpreter testified further that eight Creek warriors boasted in his house "That the Creeks did all they could to provoke the United States to war with them; that they killed and scalped men, women, and children; that they took them prisoners, and made them slaves like negroes; that they debauched their women, that they took their property, and that they had done it for many years, yet they could not make them mad: 'what else can we do to provoke them? Shall we take some man and bouger him, and send him back to his people, and try if that will not rouse them to war?'"[1] This gullibility upon the part of the United States agent may have been due to the fact that he did not enter the Indian country until November 7, 1793, and hence was entirely dependent upon messengers for his information.

For some time previous to his entrance into the Creek Nation, Secretary Knox and President Washington had been urging Seagrove to reside among the Indians, and the agent had given good excuses for not doing so. First he said he was afraid of causing McGillivray to become jealous or

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[1] American State Papers, II, 329, 403, 411, 471.

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suspicious of him as a possible rival. After Seagrove had obtained the unanimous consent of all the chiefs who assembled at Colerain, November 22, 1792, to allow him to go into the Creek country, McGillivray caused murder and robbery to be committed against the citizens to prevent any agent of the United States coming into the nation as the chief knew that his double dealings would not endure the light of inspection. In spite of these outrages, Seagrove claimed he would have gone into the Creek territory by June 30, if it had not been for the murder of David Cornell,[1] a messenger from the Upper Creeks.[2] After that, September 10, 1793, was set as the date on which Alexander Cornell, an interpreter to the Upper Creeks, was to meet Seagrove at the Oakmulgee and accompany him into the Creek Nation.[3] Five days previous to the time appointed, Seagrove learned from Governor Telfair that an expedition against the unfriendly Creek towns had been determined upon and approved by the people of Georgia who had been so irritated by the depredations of the Creeks that it would

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[1] American State Papers, II, 403.

[2] Ibid., 396, 433.

[3] Ibid., 403.

be almost impossible to restrain them from immediate and offensive warfare. Governor Telfair acknowledged that he had entered into contract for rations and other supplies for about four thousand men who were to be drawn from Georgia and South Carolina to make an expedition against the neighboring tribe of Indians.[1] September 17, Seagrove wrote from Fort Fidius on the Oconee to Secretary of War Knox, saying, "In order to prevent my meeting the Indians, parties of militia are constantly kept out between this river and the Oakmulgee, to intercept and destroy myself or messengers; and, doubtless, Indians also, whether friend or foe. ... Ever since I have been here, spies are kept about to watch my movements, and threats of the most insolent kind are denounced against me, should I dare to oppose their darling object, an Indian war. For a week past, an expedition has been forming in the neighborhood of this garrison, and in Green county, with intention, as is said, of going into the Creek towns. They call themselves volunteers; they appear to be commanded by the Colonels Alexander, Lamar, and Melton. The party, from the best information, will not exceed two

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[1] American State Papers, II, 408.

hundred mounted men, with provisions for ten days. They crossed the Oconee, near Shoulderbone, on Sunday, the 15th instant. My opinion is, that they do not mean to go further than the river Oakmulgee, where they expect that the friendly chiefs will be coming to meet me. Should it be the case, and these people fall in with them, the consequence will be dreadful. By what authority this part has been raised and sent out I know not: I can only say, that there does not appear any opposition of this Government, to the violent, unwarrantable proceedings of those frontier settlers."[1]

Not until November 5, was Seagrove able to leave Fort Fidius. He was attended by thirteen mounted militia as far as the Oakmulgee, where he found one hundred and thirty chiefs and warriors awaiting him. Upon the 15th, he was greeted by the Cussetahs at their town with great formality as an agent of the United States. Eight days later, he met members of both the Upper and Lower Creek Nations at Tuckaubatchee. As there was a full representation of Creek Nations at that place, Seagrove proceeded to business at once, pointing out the transgressions of the Indians, and demanding justice of them as a preliminary to reconciliation and peace

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[1] American State Papers, II, 409.

with the United States. After sitting in council two days and nights without adjourning, it was unanimously agreed that all acts of hostility should cease between the United States and the Creek Indians. The Federal agent agreed to this peace, providing that all white prisoners in their nation were immediately returned to him, and also, all negros, horses, and cattle that had been taken from Georgia since the conference at Colerain in November. Furthermore, Seagrove demanded the capital punishment of two or more of the principals in the murders committed on the St. Mary in March. The Indians solemnly pledged themselves to have these terms carried out. Upon the other hand, Seagrove, as agent of the United States, promised that every measure possible would be taken to apprehend and punish the murderer of David Cornell,[1] one of the head-men of the Tuckaubatchees.[2] Seagrove also promised the return of prisoners held in Georgia; but as the Governor of that State refused to deliver them, it looked as though the intervention of the General Government would be necessary if the last provision were to be carried into effect.[3]

Unfortunately the people of Georgia disregarded the amicable agreement which was made at the Tuckaubatche in more

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[1] American State Papers, II, 471.

[2] Ibid., 423.

[3] Ibid., 471.

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ways than one. December 28, 1793, the Bird-tail king and eight of his warriors were treacherously attacked by a party of white people about fifteen miles west of the Oconee, and two of the Indians were killed. The rest of the party which had been attacked fled to Fort Fidius for protection. While there, they reminded the Federal soldiers of the promises which Washington had made while the Creek chiefs were at New York in 1790, and said that they had hitherto relied upon them. In answer to this plea, Washington communicated to Congress upon January 30, 1794, the statement that the difficulties between the Creeks and the people of Georgia needed the serious and immediate attention of the National Legislature. He urged the adoption of such wise and vigorous laws as would be fitted to preserve the honor of the Federal Government, and the peace established under the authority of the United States with the Indian tribes. Washington also said that experience had demonstrated the existing legal provisions to be entirely inadequate to those great objects.[1]

A little later, more serious trouble arose and threatened to end the peace established between the Creeks and the United States. In the spring of 1794, Seagrove returned

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[1] American State Papers, II, 472.

to the settlements accompanied by some of the principal Creek chiefs, namely; the white-bird-tail king, or Big King of the Cussetahs Tuckaubatchee king, the head warrior of the Tallassees, the Mad Dog's nephew, of the Tuckaubatchees, George Tool, Big Fear, and the Little Warrior of the Cussetahs,[1] and about one hundred and fifty other Indians. Seagrove left the latter in the vicinity of Fort Fidius, while the chiefs proceeded with him to Augusta. Meanwhile on May 1, a party of Indians, probably belonging to the Cherokee Nation, stole some horses from Spark's station on the Oconee. They were pursued by a Lieutenant Hay and fifteen horsemen who fell into an ambuscade near the Apalachy High Shoals. Mr.Hay and two men were killed and one was wounded.[2] This so angered the people of the upper part of Georgia that they planned to"destroy" the Indians at Fort Fidius.[3] Mr.Barnard returned to the Oconee from Augusta on the 9th of May. When he heard about the mischief which had been done, he sent the Indians away lest harm might befall them. Consequently there were only twenty-five or thirty Indians in the camp and twenty in the post at Fort Fidius[4] when a party of one hundred

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[1] American State Papers, II, 485.

[2] Ibid., 483.

[3] Ibid., 486.

[4] Ibid., 485.

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[1] [illegible]

[3] Ibid., [illegible]

and fifty mounted militia, under the command of Major Adams, attacked the camp opposite the post between ten and eleven o'clock in the morning of May 10. The commander in charge of Fort Fidius, to which the Indians fled, was placed in a difficult position, for to protect the Indians would anger the militia and to deliver them up would be to violate the faith of the United States in which they had relied. They were, therefore, sent away and allowed to make their escape. They left the fort at two o'clock and crossed the river without interruption.[1] The Indians whom Major Adams attacked had been perfectly peaceable for some time past, going into the settlements and mingling with the inhabitants totally unconscious of any fear. Furthermore, they were very thoughtful concerning the safety of their chiefs, so that it was absurd to accuse them of killing soldiers or stealing horses when the lives of their principal men would be endangered by it.[2] Constant Freeman, agent for the Department of War in Georgia, could account for such action only by believing that there were many people so wickedly disposed that they were anxious to bring on a war.[3] Seagrove said, "The

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[1] American State Papers, II, 483-484.

[2] Ibid, 485.

[3] Ibid., 483.

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[illegible] Ibid., [illegible].

contest is between this Government and its citizens. If the latter cannot be restrained, the Indians have no alternative--they must defend themselves; if they are restrained, and the present aggressors punished, according to law, your Excellency (the Governor of Georgia) then might certainly count on the continuance of peace; but, I confess, I think not otherwise."[1]

The conduct of the officers in charge of the militia[2] was foolish as well as unjust, for the garrison at Fort Fidius was totally defenceless, according to the report of Major Richard Brooke Roberts, the commander of the fort. The whole number of the garrison amounted to not more than sixty-nine effectives, and there was no water within three hundred yards of the fort, so that an enemy might easily be victorious.[3]

However, the State of Georgia undertook to protect its own boundary. Upon July 30, 1794, Captain Fauche was ordered to recruit a troop of horsemen to consist of six sergeants, six corporals, one farrier, one trumpeter, eighty-six privates, and the necessary number of commissioned officers; and to station a sub-sergeant, corporal, and twenty dragoons at

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[1] American State Papers, II, 487.

[2] Ibid., 487.

[3] Ibid., 482-483.

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[1] Anzilotti [illegible]

[2] Ibid., 427. [illegible]

Wafford's, the High Shoals of the Apalachy, Fort Twiggs, and the White Bluff; and a sergeant with six dragoons at Phillips' rule shoal. The detachment at Wafford's was to act as a constant scout to Ward's station, on the Tugelo, and to the Hurricane Shoals on the Oconee; that at the High Shoals of the Apalachy was to scout to the Hurricane Shoals and the mouth of the Apalachy; the one at Fort Twiggs to the mouth of the Apalachy and to Fort Fidius; and the one at White Bluff to Fort Fidius and Carr's bluff. These troops were to give every protection possible to the citizens of Georgia and prevent parties of men crossing the temporary line, except in case they were in pursuit of Indians who had committed murder or stolen property. Captain Fauche was also ordered to conduct himself with the greatest circumspection and in no case to commit an act of hostility unless in self-preservation. He was to treat all the friendly Indians who might come to the frontiers with kindness and attention. Strict discipline was to be maintained within his troop, and orders were to be received from Colonel Gaither in any emergency which might occur.[1]

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[1] American State Papers, II, 496.

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The terms of the treaty of peace were not enforced by the Indians during the summer of 1794, and white settlers began to trespass upon territory guaranteed to the Creeks. By July 14th, Elijah Clarke, who had formerly been a Major General in the militia of Georgia with a party of men, had encamped on the southwest side of the Oconee opposite Fort Fidius. On the 24th, General Irwin ordered him to move off immediately and he refused. Consequently, Governor Mathews upon the 28th, issued a proclamation forbidding such unlawful proceedings. He also wrote to a judge asking him to issue a warrant against Clarke and have him arrested. Clarke immediately surrendered himself to the judge of the supreme court in Wilkes County. This judge referred him to the justices of the county who, in spite of the proclamation made by the Governor, discharged the case against Clarke, thereby showing that many of the people of Georgia thought favorably of the settlements upon Indian territory.[1] Nevertheless, Governor Mathews was supported by Judge Walton who, in his charge to the Grand Jury of Richmond County of Georgia, clearly stated the reasons why the action of Clarke and his

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[1] American State Papers, II, 495.

party was illegal;[1] and, as the settlers refused to move off the land southwest of the Oconee, after the decision of the court of Wilkes County, Governor Mathews sent Brigadier General Irwin with a detachment of soldiers to cut off communications. The latter soon compelled Clarke to relinquish his attempt, and the posts were all destroyed. The militia upon that occasion "showed a determined disposition to act with firmness in support of the laws of their country."[2]

Governor Mathews not only opposed the unlawful settlement upon Indian lands; but he also tried to aid the Federal Government in its efforts to obtain the return of prisoners and stolen property, and to secure the running of the line between the Creek Nation and Georgia. In return for these things, he promised the Indians that Washington would open a trade in their land which would enable them to buy goods of the United States for one-fourth less than they could obtain them from Panton, and to sell their skins and furs for more.[3] This promise was made by Governor Mathews upon August 11, 1794.

On December 1, of that year, the committee from the House of Representatives, who had been considering the

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[1] American State Papers, II, 498-499.

[2] Ibid., 499.

[3] Ibid., 496.

improvement of the relations with the Indian nations living in the United States by establishing and conducting trading houses, reported in favor of trading posts to be managed under the direction of the President of the United States. This committee believed that one hundred thousand dollars would be a sufficient amount to appropriate for such a purpose. They recommended that the articles to be sold should be purchased by an agent or agents, and sold at such places as might be most convenient for the Indians within the United States. The agent or agents were to be appointed, to receive a stated salary for their services, and to take an oath to perform their duties faithfully in addition to giving a bond and sufficient security. They were also to be required to make up their accounts twice a year and transmit the same to the Secretary of Treasury. As the transaction of such a trade was intended to win the friendship of the Indians, the government ought not to attempt to make any profit by it; but prices ought to be fixed upon the articles sold so that nothing would be lost by the government and the capital might remain intact.[1]

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[1] American State Papers, II, 524.

A little later in the month, some of the chiefs of the Creek Nation visited the Governor of Georgia for the sake of endeavoring to have a trade established between the Indians and the United States, as the chiefs were anxious to break off connections with Spain. Until they could get supplies elsewhere, however, the Creeks said they must continue to be dependent upon the Spaniards, who publicly advised them to do everything injurious to the United States that they could,--and kept the young warriors of the nation in an ungovernable state. It was probably in order to obtain the advantages of trade with the United States that the chiefs claimed they were determined to crush the plunderers and murderers in their nation, and to return the property which had been taken from the settlements.

Timothy Barnard, who lived among the Creeks said the Mad Dog seemed especially intent upon fulfilling his promises to the Governor of Georgia. When the later returned from Augusta he had found the towns entirely empty because his people had already gone on the hunting expedition which was usually made at that time of the year. The Mad Dog sent runners after them to ask the head-men to return to the towns by the middle of January for the purpose of collecting the prisoners and property to be returned to the people of Georgia.

Mr. Barnard believed that most of the chiefs of the nation were also determined to do more than had yet been done in order to save their land, for the trip of the Mad Dog to Augusta had opened their eyes and convinced them that they were on the verge of ruin. If the white people could only be kept from doing mischief against the Indians for a short time, Barnard was sure that the Creeks would return much of the property that had been stolen as they were very anxious for the friendship and trade of the United States.[1]

However, upon December 31, 1794, Secretary Knox communicated a message, from James Seagrove to Congress, which suggested that the General Government had better make good the losses sustained by the citizens from the Indians, in order to prevent useless and disagreeable altercations, as it seemed impossible for the Creeks to comply with the New York treaty in respect to the giving up of the negroes and other property taken from the settlements of Georgia from the conclusion of the war with Great Britain to the time that the treaty was signed. Such a settlement would not require much money, for the entire number of negroes stolen by the Creeks probably did not exceed sixty or seventy and it would be very pleasing

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[1] American State Papers, II, 559.

to the former owners of the slaves.[1]

This was the last act performed by Knox as Secretary of War. He had discharged his duties during the eleven years that he had been in the War Department with remarkable ability; but he finally had to resign his position because he was unable to support his large family upon the meagre salary which it gave him.[2] Soon afterwards Timothy Pickering, who had negotiated a peace treaty with the Seneca Indians in November 1790, and had concluded treaties with the Six Nations in July. 1790, in March 1792, and in November 1794, took charge of the War Department and incidentally of the Indian affairs.[3]

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[1] American State Papers, II, 546.

[2] Appletons' Cyclopaedia of American Biography, III, 566.

[3] Encyclopaedia Britannica, Eleventh Edition, XXI, 583.

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CHAPTER VI.

THE ESTABLISHMENT OF PEACE WITH THE CHEROKEES.

Not only the Creeks, but also the Cherokees caused Congress, the President, and the Department of War many difficulties; for, although the chiefs seemed to have a strong desire for peace in 1789, the common warriors were led to perform acts hostile to the settlements by the Creeks who frequently travelled through the Cherokee country upon their way northward. As the chiefs were unable to restrain their young men, depredations might be committed by the latter immediately after peace terms had been agreed upon. Thus, a party of four hundred Creeks were joined by twelve hundred of the Cherokee warriors and a hostile invasion of the Cumberland settlements perpetrated soon after the Hanging Maw, one of the influential chiefs of the Cherokee nation, had declared his desire for peace.

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Creeks for corn. That old chief even feared that his nation would find it necessary in time, to join the Creek Confederacy or perish.[1] The necessity for this intercourse was unfortunate as the Creeks were unfriendly to the United States, and were incited to fight against that nation by the machinations of Spain, McGillivry and Panton.

The action of the frontiers men did not tend to counteract the inimical influences from the South. Congress made wise and friendly resolutions and provisions, but their efforts were neutralized by the settlers whose thirst for Cherokee lands was so great that they could not resist trespassing upon them.[2] Some of these white men who desired to live upon Indian territory were of the most cruel and dishonorable nature. To this type belonged a certain Alexander Outlaw who was delegated by a group of fifteen settlers, calling themselves a "convention of people," to ask Congress to raise men by subscription for the sake of defending some of the settlers who were living upon Indian Lands. Joseph

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[1] American State Papers, II, 46-47.

[2] Ibid., 47.

Martin reported that this same Alexander Outlaw had been guilty of collecting a party of men, shortly after the murder of Corn-tassel and two other chiefs, to go to the Indian village of Citico. At that place he found some helpless women and children whom he brutally murdered and then departed "leaving a young child, with both its arms broke, alive, at the breast of its dead mother." Another group of frontiersmen tried to form a treaty with the Cherokees for the sake of obtaining Indian lands. This party said they would take possession of any territory which they might purchase of the natives even though Congress did not consent to it, for, said they, "The Indians have an undoubted right to it, and not Congress."[1]

As the settlers were so unjust to the Indians, it was not surprising that the Cherokees appreciated the efforts of the Federal Government to befriend them or that they rejoiced when they heard that the powers of Congress had been greatly increased.[2] Naturally the chiefs turned to the National authorities when the Cherokee people were in distress. Consequently, Bennet Ballew, a white man who had

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[1] American State Papers, II, 48.

[2] Ibid., 57.

lived a long time among the Indians on the southwestern frontier of the United States and had been acquainted with their language, manners, government, and especially with their hardships and sufferings from the war which had lately been waged against them, was sent to Congress as an agent plenipotentiary from the chiefs and head warriors of the Cherokee nation living in the towns of "Chota, Toquoh, Cotties, Little Telliquo, Timothy, Nioh or the Tassel's town, Coettee, Chilhowah, Tallassee, Big Telliquo, Big Highwassa, Cheestowa, Eastanolee, Chatanuga, Chickamaugah, Stickoee, Ottilletaraconahah, Catatogh, Nicogachee, Tuckeegah, and Cheesoheeha." These men, assembled in council at Chota, May 19, 1789, signed a statement which Bennet Ballaw laid before Congress. According to this memorial, the Cherokee Indians had hoped for peace after the signing of the treaty at Hopewell, and had been greatly distressed when they learned that the white people, chiefly those from North Carolina, still continued to make encroachments. After receiving many insults and injuries from these settlers, a few young warriors had killed a family of white people. Soon after the whole Cherokee nation suffered from a most vindictive punishment. "Their flourishing fields of corn and pulsee

were destroyed and laid waste; some of their wives and children were burnt alive in their town houses, with the most unrelenting barbarity; and to fill up the measure of deception and cruelty, some of their chiefs, who were ever disposed to peace with the white people, were decoyed, unarmed, into their camp, by the hoisting of a white flag, and by repeated declarations of friendship and kindness, and there massacred in cold blood. Among these, were the old Tassel and his son, who were characterized by their kind offices to the white people, and veneration for the American flag, insomuch that, for many years, it was constantly flying at their door." Because the chiefs wished to have peace and a good understanding established between their nation and the United States, they resolved in a grand council of the Cherokee people that they would petition Congress to obtain "a mutual, perfect, and strict alliance with the United States, and abide by their instructions in all matters of peace and war." providing that their lands, bounded as they were by the treaty of Hopewell, would be secured to them. Furthermore, they resolved that the settlements lying adjacent to the French Broad and Holston rivers be incorporated with the rest of the white people becoming subjects of the United States and being bound by the same laws as the rest of

the citizens of that nation. Such was the message that Bennet Ballew delivered to Congress in August, 1790.[1]

Previously, Secretary Knox in his report to President Washington, had said, "The situation of the Cherokee nation, looking up to the United States for protection, in consequence of the treaty of Hopewell, demands attention" He feared that the large number of settlers who had gone beyond the line established by the treaty would require that the boundary question be readjusted as the trespassers were too numerous to be removed. Otherwise, he thought the provisions of the treaty ought to be observed, especially the one which stipulated the protection of the United States. As the military force of the Federal Government was entirely inadequate to prevent the usurpation of lands belonging to the Indians and to protect the frontiers, Knox suggested that the United States establish a battalion of artillery of two hundred and forty non-commissioned officers and privates, and two regiments of infantry each containing seven hundred non-commissioned officers and privates.[2]

August 11, of the same year, George Washington reiterated the plea of Henry Knox for the faithful execution of the treaty of Hopewell. At that time there were about five hundred

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[1] American State Papers, II, 56.

[2] Ibid., 60.

families living on the Cherokee lands, exclusive of those settled between the fork of the French Broad and Holston. As North Carolina had ceded her claims to these lands to the United States, Washington was determined to exert the authority given him by the Constitution in order to remove the trespassers unless Congress thought it proper to arrange a new boundary with the Cherokees.

After these suggestions from Washington, the Senate passed the following resolutions:

> "Resolved, That the Senate do advise and consent, that the President of the United States do, at his discretion, cause the treaty concluded at Hopewell, with the Cherokee Indians, to be carried into execution according to the terms thereof, or to enter into arrangements for such further cession of territory, from the said Cherokee Indians, as the tranquility and interest of the United States may require: Provided, The sum which may be stipulated to be paid to the said Cherokee Indians, do not exceed one thousand dollars annually; and Provided further, That no person who shall have taken possession of any lands within the territory assigned to the said Cherokee Indians, by the said treaty of Hopewell, shall be confirmed in any such possessions, but by compliance with such terms as Congress may hereafter prescribe.
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> "Resolved, In case a new, or other boundary than that stipulated by the treaty of Hopewell, shall be concluded with the Cherokee Indians, that the Senate do advise and consent solemnly to guaranty the same."[1]

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[1] American State Papers, II, 83.

In accordance with these resolutions, William Blout, upon behalf of the United States, concluded a treaty of peace with certain chiefs and warriors of the Cherokee Nation at White's Fort, the site of the present city of Knoxville, July 2, 1791. This treaty reaffirmed the treaty of Hopewell as to perpetual peace between the two contracting parties; return of prisoners by the Cherokees; the sovereignty of the United States; and the right of the Federal Government to regulate Indian trade.[1] In addition, a new boundary, similar to the one formerly established, was arranged. This line was such that the people who had settled south of the French Broad, and between that river and the ridge which divided the waters running into Little river, from those flowing into the Tennessee.[2] It was to be run as follows: "Beginning at the top of the Currahee mountain, where the Creek line passes it; thence in a direct line to Tugelo river; thence north-east to the Ocunna mountain, and over the same, along the South Carolina Indian boundary, to the North Carolina boundary; thence north, to a point from which a line is to be extended to the river Clinch, that shall pass the Holston at the ridge which divides the waters running into Little

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[1] American State Papers, II, 124-125.

[2] Ibid., 135.

river from those running into the Tennessee; thence up the river Clinch to Campbell's line, and along the same to the top of Cumberland mountains; thence a direct line to the Cumberland river, where the Kentucky road crosses it; thence, down the Cumberland river, to a point from which a southwest line will strike the ridge which divides the waters of Cumberland from those of Duck river, forty miles above Nashville; thence, down the said ridge, to a point from whence a southeast line will strike the mouth of Duck river."[1] "The Cherokee Indians gave up all claim to the land lying east of the boundary line last established; promised that they would allow the free navigation of the Tennessee river; and the free use of the road from Washington to Mero District. In return for these concessions, the United States agreed to pay an annuity of one thousand dollars, besides giving presents of certain valuable goods which were to be distributed at the treaty grounds. Furthermore, the United States guaranteed to the Cherokees all the land which the latter had not ceded, and gave them the right to treat all settlers upon Indian soil as they might see fit. Agricultural implements were to be given to the Cherokees from

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[1] American State Papers, II, 124.

time to time, in order to assist them to become herdsmen and cultivators of the soil. Four interpreters were to be sent among them to teach them how to farm and to sho them the advantages of civilization.[1]

October 26, 1791, Washington transmitted this treaty, with all its possibilities of good and evil, to the Senate for ratification. As it was made in accordance with the resolutions of that body upon August 11, 1790, the Senate gave its approval to the treaty[2] and it became a part of the law of the land.

The Cherokees soon became dissatisfied with the thousand dollar annuity which the treaty at White's Fort promised them; and hence, on December 38, 1791, a delegation of warriors arrived in Philadephia whence they had gone to negotiate with Federal authorities. This delegation was headed by Bloody Fellow, and brought evidence of the authenticity of their mission from Governor Pinckney and General Pickens, two North Carolina men. Bloody Fellow, as spokesman for the chiefs, complained that Blount had made such urgent and repeated requests for the cession of land at the last treaty that it had been impossible for the Cherokees

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[1] American State Papers, II, 124-125.

[2] Ibid., 135.

to refuse them. In fact, the line specified in the treaty had been granted only because the Indians knew that the Carolina people were stubborn and would take what they wanted. After the agreement had been made, settlers continued to push into the hunting grounds in spite of the promises which the United States had given to the Cherokees. The chiefs, therefore, had come to Philadelphia to ask that more adequate compensation for the lands which the Indians had unwillingly ceded at the White's Fort treaty, and for the removal of settlers who were living upon lands guaranteed to the Cherokee Nation. An annuity of fifteen hundred dollars, to be paid in goods bought in Philadelphia, where they were cheapest, was requested. Bloody Fellow also reminded the Secretary of War that agricultural implements had been promised to his nation by the United States. These, he said were greatly needed by the Indians for the game was disappearing so rapidly that it was necessary to farm in order to obtain sustenance.[1]

President Washington thought these demands were just, and as he wanted the delegation to carry a favorable report back to the Cherokee Nation, he submitted the matter to the Senate, requesting the advice of that body as to the propriety of attaching an additional article to the treaty of

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1 American State Papers, II, 203-206.

1791 which would increase the annuity from one thousand to fifteen hundred dollars. The Senate ratified the additional article, February 1792, and it was proclaimed as a part of the treaty with the Cherokees.[1]

In spite of this effort to please the Indians, dissatisfaction over the boundary line continued. During the treaty negotiations, there was much dispute over the definition of the line. The Indians insisted upon having a straight line which would cross the Holston at the place where the ridge which divides the waters of the Little river from those of the Tennessee should strike it. Consequently, the form of the agreement which was finally made was very peculiar and unsatisfactory. The line designated was not so limited by the treaty as to the point at which it should strike the Clinch or leave the north line, but that it could be run so as either to include or leave out the settlements south of the ridge; the only stipulations being that the line should cross the Holston and be run by commissioners appointed by both parties.[2]

President Washington intrusted to Governor Blout the responsibility of deciding when and where the running of

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[1] Charles C. Royce, The Cherokee Nation of Indians, published in the Bureau of Ethnology Reports, V, 170.

[2] American State Papers, II, 628-629.

the line ought to begin; and suggested that Judge Campbell Daniel Smith, and Colonel Landon Carter be appointed as commissioners to act for the United States. A surveyor was to be sent by the President as soon as Blount notified the Secretary of War concerning the time at which the line was to be run. These men were to be chosen chiefly because they had no inducement to infringe upon Indian territory.

It was not an easy problem to decide when the running of the line should take place, for, if the Indians were not in the best of humor, trouble would result. Accordingly, great caution was taken not to hasten the proceedings so that disputes over the boundary question should arise during the time that the United States was at war with the Northern tribes. The time for the commencement of the surveying and marking of the line was therefore postponed from May 1, 1792, the date first suggested by Blount, to the second Monday in October of that year, and was not officially run at that time.

Even before the time set for the running of the line, disputes arose as to where it should cross the Holston. The white people themselves could not agree upon this point. Secretary Knox suggested that all the settlers living south of the ridge dividing the tributaries of the Tennessee from those of the Little river, should be removed and the ridge be made the boundary line. Blount feared that the line,

if drawn according to the treaty, would strike the Holston much lower down than he Indians had expected; but he did not think it wise to follow Knox's advice. The Indians had objected to the ridge as a boundary, because it was crooked, and so it seemed injudicious to try to establish it there. Accordingly, Blount decided that the terms of the treaty ought not to be so strictly adhered to as to take much land from the Indians; and President Washington approved.[1]

Major Craig's place on Nine-mile was the place designated for the meeting of the Commissioners who were going to begin the running of the line upon the second Monday in October, 1792. David Campbell, Charles McClung, and John McKee, the Commissioners whom Governor Blount had appointed, went to Major Craig's according to agreement and waited there until the next day. As no Cherokee representatives appeared, they proceeded to look for the ridge mentioned in the treaty, and tracing it, they found that it crossed the Holston at the mouth. As the Indians had thought the ridge struck the river further up, the Commissioners retraced their steps and examined the divide again with the result that they

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[1] American State Papers, II, 264.

were convenced that the ridge struck at the mouth of the Holston and at no other part. The Commissioners then ran, but did not mark, an experimental line from the point of the ridge in a southeasterly direction to Chilhower mountain, and from thence to the Clinch in a northwesterly direction. They found that if the line were continued to the southeast it would intersect the Tennessee only a short distance beyond Chihowee mountain, thus taking away the Indian towns lying upon the south side of the Tennessee river. This made it necessary to turn the line towards a more east and west direction.[1]

Throughout this time, Indian hostilities had continued. The Five Lower Towns, Running Water, Nickajack, The Long Island Villages, Crow Town, and Lookout Mountain town[2] gave strong indications of their enmity towards the settlements even while treaty negotiations were taking place at Philadelphia. The first four of these towns were located at the crossing places of the Creeks and Northern tribes as they travelled north and south. Such voyages were frequent, and

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[1] Charles C. Royce, (The Cherokee Nation of Indians, Published in the Bureau of Ethnology Reports, V, 165) says the records of the War Department were almost completely destroyed by fire in November, 1800, so that very little data concerning the survey of this Indian boundary was left. However, it was definitely ascertained that the line was not actually surveyed until 1797.

[2] American State Papers, II, 264.

by them, the people of these villages were encouraged to join in the fight which the Indians north and south of them were making against the United States. In the spring of 1792, it was the general opinion of the white traders and Indians at Lookout Mountain town that neither the Creeks nor the Lower Cherokee towns would ever be at peace with the Cumberland settlements, because the latter were in the way of the intercourse between the Indian tribes.[1] April 28, General Pickens wrote that the Cherokees had stolen more horses from the frontiers during the previous six months than they had for years before. These depredations were especially trying to the patience of the settlers, for, as the ruling part of the Cherokee nation appeared to want peace, it was hard to decide whether an Indian was a friend or foe when he came into the settlements. Open warfare was to be desired in preference to such a situation.[2]

During the latter part of May and the first part of June, William Panton was moving among the Lower Cherokee towns under the pretence of collecting old debts, and extending his trade. Blount suspected that his real business

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[1] American State Papers, 264.

[2] Ibid., 267.

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[illegible] Forces, etc.

Ibid. [illegible]

was to invite the principal men of the Cherokee Nation to attend the treaty which the Spaniards were about to negotiate with the Creeks at Pensacola.[1] Captain Oliver was also busily engaged in the southwest, stirring up dissatisfaction among the Indian tribes by telling them that the "Americans were constantly usurping lands. He even encouraged the Indians to fight against the United States by causing them to feel Spain was willing to support the natives in their attempt to drive invaders away.[2]

In his report to the Secretary of War, November 8, 1792, however, Governor Blount attributed the sufferings of pioneers to the principle of Indian education "that all national honors are acquired by the shedding of blood." rather than to the Spaniards. Another reason for their depredations was that the white people, who were "the greatest of all rascals," living among the Creeks and Cherokees, and the half breeds, who were numerous and mostly traders, encouraged the Indians to steal horses in order that the traders might buy them.

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[1] American State Papers, II, 270.

[2] Ibid., 274.

Thus the Indians went to the frontiers in search of horses, and if they were able to steal anything and were pursued, they killed white people in self-defence. As soon as the Indians returned with horses, the latter were bought by traders who knew in what locality they had been stolen. Consequently, the horses were drives out of the nation in the opposite direction and sold with great profit. The lack of government in both the Creek and Cherokee Nation was such that all the chiefs in either nation could not prevent this wholesale robbery or even deliver up the thieves for punishment.

Blount also thought that neither the war nor the depredations could justly be attributed to encroachments upon hunting grounds, for most of the depredations had been committed against the Miro district. The Cherokee claims to that region had been extinguished by two public treaties, and a considerable sum of money had been given to the Indians in return. Furthermore, the Cherokees had recognized that the Chickasaws' claim to the lands lying on the Cumberland were just, and as the latter nation had ceded the said lands to the United States, it was absurd for the Cherokees to claim that they were fighting against encroachments when they persecuted settlers living in the Miro district instead

of those living south of the boundary line.[1]

Conditions were so bad in the Southwest that Governor Blount found it necessary in June, 1792, to order into actual service two more companies of militia from Washington district for a three months tour. These made five companies which were in actual service, and Governor Blount thought that a sufficient number to protect the frontiers. Furthermore it would have been impossible to support a larger army, as no contractor could be found who would supply the troops at the price Blount was able to offer. Therefore, each man had been constrained to furnish his own supplies, under the assurance that he would receive eight cents per day in addition to his regular salary for so doing. Great dissatisfaction had resulted among the troops already in service, and so it would have been unwise to enlist more soldiers.

June 26, 1792, a Grand Council was held at Estanaula for the sake of introducing Leonard P. Shaw, the agent of the United States Government who had come with the chiefs from Philadelphia, to the Cherokee Nation. At this council, the relations between the Indians and the white people were

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[1] American State Papers, II, 325-326.

[2] Ibid., 267.

discussed. The Little Nephew, who delivered a "talk", complained that the white settlers had not been removed from the Indian lands. Many times, during his speech, he lamented that there was no longer room in which his warriors could hunt and obtain a living for their families.[1] The Little Turkey also spoke, requesting that a new line be established which would "run from Campbell's line to the crossing of Cumberland river, on the Kentucky road; from thence to strike the edge of a big savannah, called the Barrens of Cumberland, to continue on the edge of the said savannah, on the dividing ridge betwixt the waters of Greene and Cumberland rivers, a middle course, till it strikes the Ohio." This line, Little Turkey believed, would bring about permanent peace between the Cherokees and the United States. As the spokesman continued in his address, he stated that the whole of the Cherokee Nation objected to the passing of boats up and down the Tennessee river, and to a settlement being made at Muscle Shoals or at the mouth of Bear Creek.[2]

In the fall of the same year, the Five Lower towns,

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[1] American State Papers, II, 272.

[2] Ibid., 273.

headed by John Watts, declared war against the United States. This came as a shock to the Secretary of War, especially as their leader was a man who had hitherto pretended to be friendly to the United States.[1] Although these were the only towns which openly declared war, Governor Blount had reason to believe that they were not the only ones engaged in hostilities. In fact, he placed no faith in the treaties which the Cherokees had formed and recommended that new forts be established and the old ones be strengthened in order to protect the frontiers.[2]

Because of the critical state of affairs along the borders, Governor Blount was given "ample powers" to call for such parts of the National Militia as he might think necessary for the protection of the frontier. However, as Congress, in whom the power of declaring war reposed, was not in session and would not assemble until the 5th of October, Secretary Knox requested that operations against the Indians be confined to defensive measures until the will of Congress might be ascertained. This advice was intended to prevent any expeditions being made against Indian

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[1] American State Papers, II, 261.

[2] Ibid., 326.

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[1] Anerkennung [illegible]

[2] Ibid., [illegible].

towns. Incursive parties that might attempt to enter the settlements were to be severely punished. Blount was also instructed to do his best to quiet the apprehensions of the friendly portions of the Cherokee Nation by explaining that no attacks were going to be made against their towns. Such treatment might make the well disposed Indians the instrument of punishing the hostile towns. At the same time, Secretary Knox warned the Governors of Virginia, South Carolina, and Georgia that the Five Lower Towns had declared war and informed them of a party of Creek and Cherokee warriors, variously estimated as being from three to six hundred in number, had set out upon an expedition against some part of the frontier. A little later, the Governor of Virginia was notified that President Washington did not think it necessary for the Legislature of that State to take any measures for the defence of the frontiers during the following year, for the force authorized by Congress during the preceeding session togather with the militia which the law permitted the President to call into service would be adequate for the occasions which might arise.[1]

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[1] American State Papers, II, 261.

towns. Incendiary written appeals might attempt to induce [illegible] [illegible] were to be encouraged and rewarded. Thought was also [illegible] instructed to be sent [illegible] to visit the [illegible] [illegible] friendly portions of the country in order to explain [illegible] [illegible] attacks were going on in some neighboring towns. Thus [illegible] might be well designed to [illegible] [illegible] of punishing the hostile towns.

Unnecessary Knox was on the Lookout for [illegible] [illegible] [illegible], and Georgia that [illegible] [illegible] [illegible] and informed them of [illegible] of Creek and Cherokee [illegible] [illegible] authorized to bring them into [illegible] [illegible] manner, but not to use an expedition against [illegible] the frontier. A little later, the Secretary of [illegible] [illegible] that President Washington did not think [illegible] for the Legislature of that State to take any measures for the protection of the frontiers during the following year. [illegible] [illegible] by Congress [illegible] the proceeding session [illegible] with the militia which the law permitted the President to call into service would be adequate for the occasion which might arise.

American State Papers, II, 461.

By November 8, 1792, General Sevier was stationed about thirty-five miles southwest of Knoxville at the mouth of the Clinch with the main part of his forces. The other parts were detached to the various settlements of Washington district to act upon the defensive for the protection of the inhabitants. The troops at the Southwest Point were very advantageously placed for they could cut off all communication by water between the Upper and Lower Cherokees. From that place they could most easily deter and intercept incursive parties. Furthermore, the Lower towns would be kept in a constant state of apprehension lest sudden attacks be made from Southwest Point by water. Such fears would tend to keep the Indians at home to guard their village and families. Travellers might then go in safety to Miro district.[1]

War was not desired by many of the white people. November 20, Governor Telfair of Georgia notified the Senate that it seemed necessary to establish friendship with the Indians because the small crop of grain reaped the season before made the fall of 1792 a very unfavorable time

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[1] American State Papers, II, 326.

for any war against the neighboring tribes.[1] Furthermore acting under orders from the Secretary of War, Blount upon the 29th of November, commanded that all the troops of Sevier's brigade, except two companies, should return to Knoxville. There they were mustered out of service early in January, 1793.[2] May 30, Secretary Knox wrote, "That from considerations of policy, at this critical period, relative to foreign powers, and the pending treaty with the Northern Indians, it is deemed advisable to avoid, for the present, offensive expeditions. . . "[3]

Cherokee hostilities continued in consequence of this policy. James Carey, one of the interpreters of the United States, reported that large parties of Creeks and Cherokees were planning to invade Mero and Washington Districts, and said that the Indians knew the reason why the United States did not retaliate for depredations done.[4] The people on the

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[1] American State Papers, II, 333.

[2] J.G.M. Ramsey, Annals of Tennessee, 574.

[3] American State Papers, II, 367.

[4] J.G.M. Ramsey, Annals of Tennessee, 575.

frontier collected in stations for safety. April 12, there were two hundred and eighty men, women and children living in small huts at Craig's.[1]

Great dissatisfaction arose upon the frontiers. The people who were suffering from Indian depredations had little sympathy with the policy of the National Government. To those who lived in constant danger of Indian attacks, the Federal policy seemed negligent and inhuman. Consequently, many of the pioneers wanted to disregard the orders of Secretary Knox, and take measures to protect themselves. In fact, it was very difficult for Governor Blount to keep his people from making offensive expeditions into the Indian country.[2] General Logan and Captain Beard were two of the leaders in these attempts to overcome the hostilities of the Cherokee Nation. In April the former was raising a party of Kentucky Volunteers for the purpose of making war on the Lower Cherokee towns, and in June, the latter with a party of forty men, attacked the Indians at the Hanging Maws,

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[1] J.G.M. Ramsey, Annals of Tennessee, 576.

[2] American State Papers, II, 441.

killing twelve or fifteen Indians. Among those murdered were a number of the principal chiefs of the nation who had been called together by the express order of the President. The Hanging Maw was wounded and his wife was killed. Such attacks greatly angered the Indians and made war inevitable, for the natives were loyal to their chiefs. Within thirty minutes after Hanging Maw had been wounded, two hundred warriors were in arms. Beard and his men then fled leaving the frontiers unprotected.[1]

As the President was anxious to have peace with the Indians, and especially as he was loathe to enter into war to defend the unjustifiable conduct of some of the citizens of the United States, he caused Governor Blount to send the following message to Hanging Maw:

"Brothers:

"... Be assured, Brothers, that the misfortune that has befallen you, had deeply afflicted your father the President, who desires that his red children should be treated with the same humanity and justice as his white children.

"He expresses his highest indignation at the base attack which has been made upon you during the moments of

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[1] J.G.M. Ramsey, Annals of Tennessee, 576-577.

peace; he has directed Governor Blount to endeavor, by the course of the law, to bring the perpetrators of that wicked affair to full punishment.

"It is sincerely desired by the President that those bad men should not escape the law, and that you should see or know, from evidence upon which you could rely, that justice has been done you and your nation.

"But, Brothers, while the laws are the protection of all good men among us, yet, sometimes, the bad escape unpunished, by the cunning of the criminals, or for want of strong evidence. In such cases, we do not permit an individual who has been wronged to be his own avenger. This is never allowed among the whites, when the society is well regulated.

"Now, Brothers, listen! If the laws should not condemn the murderers of your friends, is there no other mode by which you could be satisfied? Governor Blount will talk to you upon this point, and endeavor to find some mode by which we shall still be friends.

"It would afford your father great satisfaction to shake you by the hands, this fall, in Philadelphia, and, he hereby, strongly urges you, and the other chiefs of your nation, to undertake the journey. He will direct that you shall be comfortably accommodated on your way, and farther, upon your

arrival here, he flatters himself, that, by being face to face, the remembrance of all former injuries will be done away, and that we may establish a firm and lasting peace and friendship."[1]

For a time after Captain Beard's expedition, the Cherokees seemed to be at peace. This however, was merely a lull before a storm. July 20, General James Robertson of Mero District informed General Smith who was acting as Secretary for William Blount, that the Cherokees penetrated farther than before into the settlements, and seemed resolved to make good their boast to the Chickasawa that they were going to "cut off" the white settlers. Furthermore, General Robertson reported that his son Randolph, while in the Chickasaw Nation, had seen three Cherokees come in with a bow, bloody arrows, hatchet, scalping knife, and pipe which they presented to the Chickasaws urging the latter to join in a war against the United States. These Cherokee messengers told the Chickasaws that all the Indians were united and combined in order to destroy the "American" settlements. As the Northern tribes had defeated the army sent against them, and as there were not many soldiers in service south of the Ohio, the savages expected to succeed

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[1] American State Papers, II, 431.

in their attempt to wipe out the white settlements.[1]

August 17, General Robertson again wrote to Secretary Smith concerning Indian affairs. He stated that the distresses of the Mero District had caused him to call into service one company of mounted infantry, and that he feared he would have to order out more unless relief could be sent from Washington District. Small detachments had been sent out to follow the Indians who had stolen horses and committed other depredations against the frontiers.[2] A little later he told Governor Blount that the Indians still came to the settlements frequently, but in such small parties that they could not well be followed.[3]

The incursions of these small parties of savages were very annoying and disastrous to isolated homes; but not alarming to people who lived in well established settlements. Thus it was rather fortunate that a large party of Creeks and Cherokees made an invasion against Knoxville in September.[4]

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[1] American State Papers, II, 465.

[2] Ibid., 466-467.

[3] Ibid., 467.

[4] J.G.M. Ramsey, Annals of Tennessee, 583.

Upon the 24th of that month, one thousand warriors, under the leadership of John Watts and Double Head, crossed the Tennessee river, just below the mouth of the Holston. Seven hundred of this force were Creeks and the rest were Cherokees. About one hundred of the former were well mounted horsemen. The Indians had expected to reach Knoxville before daylight on the morning of the 25th. Disagreements among the leaders caused delays along the road so that this plan was not realized. Some of the Creeks wanted to press forward rapodly without stopping to plunder the smaller settlements. Double Head insisted upon having every cabin taken as they passed. Van, one of the chiefs who aspired to the leadership of the expedition, advised that the women and children of Knoxville be spared. Double Head who also wanted to lead the expedition, contended that everybody in the town should be killed. At daybreak, the Indians had reached the head of Sinking Creek, in the Grassy Valley, and were rapidly making toward Knoxville when the United States troops at that place fired a cannon at sunrise as was their custom. The Indians, however, when they heard the report of the shot, were convinced that the inhabitants were expecting an attack. Consequently, the Indians haltdd immediately. Near them as the house of Alexander Cavet,

containing only three gun-men and Cavet's family, thirteen in number. Disappointed in their attempt to capture Knoxville, the invaders turned their attention towards the Cavet station. This was in a good state of defense, and so the three gun-men held the Indians at bay for some time. Finally the attacking party sent Bob Benge,"a half Creek, who spoke English" to offer to spare the lives of the beseiged family if they would surrender. These terms were accepted; but the inmates of the house had scarcely left the door when Double Head and his party fell upon them and killed the whole family, except Alexander Cavet, Jun., whom John Watts saved.

At the time this attack was made, General Sevier was stationed with some troops at Ish's a place across the river from Knoxville. He was quickly notified of the firing at Cavet's station and immediately made preparations to pursue the Indians in order to invade their territory. The troops in the less remote settlements were commanded to aid in punishing the misconduct of the Creeks and Cherokees. As General Sevier did not know how many warriors there were in the party which killed the Cavet family, how much damage they had done, or where they had gone, he ordered Captain Harrison to cross the Holston and reconnoitre or, if necessary pursue the invaders. Captain Harrison soon discovered that the Indians had given up their attack against Knoxville, and

hence he returned to Sevier's camp. Washington District was then requested for reinforcements, with which to pursue the enemy. Soon General Sevier's command was augmented by a company of light-horse under Captain James Richardson, and by troops under Colonel Kelley. After the arrival of these soldiers, Sevier had a large enough army to invade the Indian country. Altogether, there were six or seven hundred men in the army commanded by Sevier.

These troops were authorized to make an expedition into the Indian territory by Secretary Smith, who was acting as Governor during Blount's absence. Therefore, the army marched rapidly across Hiwassee and Amoyah, till they reached the Indian village of Estonaula. As the inhabitants had deserted the town, the army encamped near by hoping the warriors would return and make a night attack. The soldiers were not disappointed, for late one evening, the Indians approached stealthily and were fired upon. The next night, the camp fires were kept burning at the same place, but the army was stationed to the west. The Indians made another attack during that night; but finding they had been deceived they hastily withdrew.

As he could not succeed in punishing the Indians of Esinaula Sevier began a march towards Etowah, a village at the confluence of the Coosa and Etowah rivers. As the latter stream had to be crossed before the town could be attacked, General Sevier

ordered a halt and sent forward a detachment against the village. By mistake the guides of the party led it to a ferry half a mile below the fording place. Some of the soldiers plunged into the water and began to swim across; but the main body saw the mistake and rode rapidly up the river to the ford.

This mistake which the guides made was very fortunate because the Indians were entrenched in the bank of the river nearest the town. Sevier's attack was expected and the warriors had their guns ready to kill any white man who might appear. When the Indians saw the movement of the troops down the river, they feared their town was going to be attacked from some other direction. Hence they sprang from their places of ambush, and hastened to their town in order to protect it. In the fight which followed, the Etowah people had to fight in the open field. Otherwise, Sevier and his army would probably have been defeated. As it was, the Indians were driven from Etowah and the town was burned.

Sevier wished to continue his march still farther into the Indian country; but the guides told him that there was but one accessible path by which the army could reach the villages lower down, and this could be followed only under disadvantageous circumstances. As there was little hope of

meeting the enemy in large enough numbers to inflict a suitable punishment upon them for the murder of Cavet's family, Sevier gave orders for his army to return to their homes.[1]

For a while Indian hostilities ceased. The cessation of attacks was to be accounted for only by the fact that the Southwestern tribes feared another invasion, for all friendly communication between them and the citizens of the United States had been broken off. November 21st, William Blount informed the Secretary of War that not a single murder had been committed since "the visit General Sevier paid the nation by order of Secretary Smith."[2]

Unfortunately this state of affairs did not last. Hostilities were renewed in the spring of 1794, when parties of thirty or forty Indians began to make attacks upon various parts of the frontier, killing men, women and children. Governor Blount found it almost impossible to prevent the inhabitants of the region south of French Broad making an

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[1] J.G.M. Ramsey, Annals of Tennessee, 580-587.

[2] American State Papers, II, 470.

immediate invasion of Indian territory. In fact he would not have been able to restrain them had it not been for the assistance which the civil officers of Knox County gave him.[1] These officers met in committee June 20, at the home of James Beard. While there they formulated an address to the people of the frontiers. This was ably written, and then printed and circulated. It had a great influence upon the minds of the settlers, tranquilizing and pursuading the people to obtain peace by negotiations rather than by arms.[2]

Congress meanwhile was considering the problem of protecting the frontiers. April 8, 1794, it was resolved in the House of Representatives, "That the President of the United States be authorized to call out such number of the Militia of the government of the territory south of the river Ohio as may be requisite to carry on offensive operattions against any nation or tribe of Indians that may continue hostile. And, whereas great inconvenience may arise to the citizens on the frontier, if they are not permitted to repel and pursue any invading body of Indians until orders for that purpose can be received from the President of the United States: Be it, therefore,

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[1] J.G.M. Ramsey, Annals of Tennessee, 591-593.

[2] J.G.M. Ramsey says (Annals of Tennessee, 593-594) that James White, Samuel Newell, William Walker, William Hambleton William Lowrey, David Craig and Thomas McCulloch were present at this meeting.

> "Resolved That, whenever the Governor of the territory south of the Ohio shall have just cause to apprehend that an invasion is contemplated by any body or nation of Indians, he shall be, and is hereby authorized to order out such part of the militia of said territory as he shall judge proper to repel, annoy, and pursue such invading party of Indians, and shall transmit, by express, to the President of the United States, as accurate accounts as can be obtained, of the destination of the party so invading, the force ordered out to oppose them, and such other circumstances respecting the invasion and situation of the militia so ordered out, as may have come to his knowledge; and to continue the aforesaid militia in the field until the cause ceases, or until further or other orders are received from the President of the United States."

Furthermore, the President was authorized by the House of Representatives to establish such military posts upon the frontiers as he might deem necessary for the protection of the pioneer settlements, and to employ one or more troops of horsemen to act as rangers between the posts.[1]

Early in September of the year in which these resolutions were made, General Robertson received expresses from the Chickasaw Nation warning him that a large body of Creeks, with the Cherokees of the Lower Towns, were preparing to make an expedition against Miro District. Not being able to doubt the authenticity of these reports,[2] General Robertson issued the

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[1] American State Papers, II, 476.

[2] Ibid., 529.

following orders to Major Ore: "You will march, . . . from Brown's block house, on the 8th instant, and proceed along Taylor's trace towards the Tennessee, on which, from the information I have received, you are momently to expect to meet a large party of Creeks and Cherokees, advancing to invade this district; and if you do not meet this party before you arrive at the Tennessee, you will pass it, and destroy the Lower Cherokee towns, which must serve as a check to the expected invaders, taking care to spare the women and children, and to treat all prisoners who may fall into your hands, with humanity, and thereby teach those savages to spare the citizens of the United States, under similar circumstances.

"Should you, in your march, discover the trails of Indians, returning from the commission of recent depredations on the frontiers, which can generally be distinguished by the horses stolen being shod, you are to give pursuit to such parties, even to the towns from whence they came, and punish them for their aggressions, in an exemplary manner, to the terror of others from the commission of similar offences; provided this can be consistent with the main object of your command, as above expressed - the defence

of the district of Mero against the expected party of Creeks and Cherokees."[1]

Accordingly, Major Ore with about five hundred and fifty soldiers, marched into the Cherokee territory and destroyed Running Water and Nickajack, two of the most hostile of the Lower Towns,[2] upon the 13th of September.[3] Almost immediately, the Cherokees began to sue for peace with a sincere desire to obtain it.[4]

For some time past, the chiefs of that nation had been negotiating for peace; but they evidently were not supported in their efforts by the warriors of the tribe. In June, a delegation of Cherokees chiefs had gone to Philadelphia to discuss Indian affairs with President Washington and Secretary Knox. While there, they signed a treaty which declared that the one of 1791 was to be enforced in all particulars; and that the boundary, stipulated in Article IV of that treaty, should be marked out whenever the Cherokee Nation should have had ninety days notice of the time and place at which the Commissioners intended to begin work. Furthermore, the

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[1] American State Papers, II, 530.

[2] Ibid., 529.

[3] Ibid., 530.

[4] J.G.M. Ramsey, Annals of Tennessee, 620-621.

Cherokee chiefs agreed that for every horse stolen from the settlers by members of their tribe and not returned within three months, fifty dollars would be deducted from their annuity. The United States in return, agreed to furnish the Cherokee Nation with goods worth five thousand dollars annually, in lieu of the sums promised in the treaties of Hopewell and White's Ford.[1] Evidently, this treaty did not represent the will of the majority of the Indians, for bitter hostilities were going on in the west while the negotiations were in progress. These continued until after the defeat administered by Major Ore.[2]

October 24th, James Davidson arrived at Tellico blockhouse with four hundred and fifty warriors from the Valley towns. The next day, in the presence of Handing Maw and many warriors of the Upper and Lower Cherokees, he promised to support the United States even though he should draw upon himself the vengeance of his own people of the Lower towns. October 29th, Tickagiskee, one of the chiefs who had accompanied Double Head to Philadelphia, came to Tellico's with three hundred Indians from Hiwasee, Chestue, Tellico and the valleys. November 4th, Colonel Watts also arrived, saying

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[1] United States Congress, Indian Treaties and Laws, 120-121.

[2] Charles Royce, The Cherokee Nation of Indians, Published in Bureau of Ethnology Report, V, 173. American State Papers, II, 537.

that he came to negotiate an exchange of prisoners and expressing a great desire to see Governor Blount.

Consequently, Blount met Colonel John Walts, Hanging Maw, and other chiefs and warriors of the Cherokee Nation at the post in which they had assembled.[1] In the conference which followed, John Walts asked for peace upon behalf of the Lower towns. He and Hanging Maw condemned the conduct of Running Water and Nickajack, and even threatened to give the Lower towns up to the United States if they did not desist from the hostilities as they promised to do.

November 8th, Governor Blount spoke, promising peace to the Lower towns if they remained quiet. He agreed to an exchange of prisoners, suggesting that it take place at Tellico's block-house the 18th of December. All negroes in the Cherokee country, "whether captured, or absconded from their masters," were to be considered as prisoners and given up.

As General Logan was at that time planning to invade the Indian territory,[3] Governor Blount advised the chiefs to restrain their warriors from taking satisfaction for

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1 American State Papers, 536, enumerated Colonel Abisha Thomas, Major Sevier, Major David Craig, Ensign Samuel R. Davidson, and others of the Federal troops commanding Tellico block-house as being present also.

2 This expedition was authorized by the Federal Government.

the injuries which might be inflicted, no matter how great they were. In case the Cherokees did not oppose General Logan nor take vengeance for their injuries, the United States Government would pay the Indians for the houses and corn which might be destroyed. Other property could be removed to a safe place during the raid.

Lastly, Blount demanded that the Creeks be kept from passing through the Cherokee country; or, if they should slip through undetected, and the Cherokees should discover them returning with scalps or horses, they were ordered to seize the culprits and bring them to Tellico block-house. Furthermore, the Indians present at the conference were asked to inform the Creeks that the United States was about to send a strong army, which would be aided by Chickasaws and Choctaws, against them if they did not" immediately desist from murdering the frontier citizens."[1]

Colonel Watts replied: contrasting the strength of the Creek Nation with the weakness of his people; and saying that it was impossible to keep the members of so strong a nation from passing through the Lower towns. If they had dared, the Cherokees would have prohibited such voyages long before, for the Creeks killed hogs and cattle and stole horses

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[1] American State Papers, II, 537.

belonging to Indian neighbors as well as those belonging to white people. The Upper Cherokees might be able to deliver Creeks as prisoners because they were far away from the Confederacy and near the frontiers; but the Lower towns could not because they lived so near the Creeks and so far from the white people.[1]

November 18th, Governor Blount mentioned another provision which he thought would "eventually be essential to the preservation of the peace with the Cherokees." This required that the Indian towns should deliver any of their inhabitants who committed murder to the United States, and would probably prevent the repetition of murders, without bringing on an Indian war. In case the Indians should refuse to give satisfaction for the misdemeanors of their townsmen and a war resulted, the latter could be terminated in a few months at less expense of life and money than defensive protection would cost.[2]

Although Creek hostilities continued for some time against the settlers of the Cumberland districts, the Cherokees gave

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[1] American State Papers, II, 537-538.

[2] Ibid., 541.

up their attempts to annihilate the white people. After the conference held at Tellico block-house upon November 7th and 8th, 1794, very few depredations were committed by members of the Cherokee Nation until the disturbed situation which preceded the war of 1812 gave them a new incentive.[1]

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[1] J.G.M. Ramsey, Annals of Tennessee, 621.

CHAPTER VII.

THE FRIENDLY INDIANS OF THE SOUTHWEST

The Chickasaws and most of the Choctaws remained amicable to the United States during the entire period in which General Knox acted as Secretary of War. This was attributed to the fact that these tribes lived at such a distance from the settlements of the white people that their lands were not trespassed upon by frontiersmen.[1] Then, too, the Federal Government was not unmindful of the welfare of the friendly Indians even though much more time and thought seemed to be spent upon the nations who caused an endless amount of trouble by committing numerous depredations against the citizens of the United States. This kindly spirit of the "American" Government was shown in many ways. Courtesy was not lacking in the treatment which the United States gave to the peaceable tribes of the southwest.

In the autumn of 1789 Benjamin Lincoln, Cyrus Griffin, and David Humphreys, the Commissioners Plenipotentiary of the United

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[1] American State Papers, II, 48.

States for restoring and establishing peace with all the Indians south of the Ohio, wrote the Chickasaws as follows: "We are glad ... to assure you of the continuance of the strong friendship of the United States of America for your nation.

"We hope that the peace which was established between the commissioners plenipotentiary of the United States of America and the commissioners plenipotentiary of all the Chickasaws, at Hopewell on the Keowee, the tenth day of January, in the year of our Lord one thousand seven hundred and eighty-six, will last as long as the sun shall shine in the Heaven, or the rivers run into the ocean.

"Brothers: We rejoice to inform you of many good things which have happened to our nation since that treaty; we have been fast recovering from the wounds that were made upon us by the British in the late war.

"Our people are increasing in number every day. The white men in the other great continent begin more and more to respect us; we are at peace with all the world; a new and great council fire is kindled at our beloved city of New York, where the old and the wise men, from all our States, come to consult and promote the prosperity of all America.

"Our union is strong: for, Brothers, we think and act like one man; our great warrior, General Washington, who, you very

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well know, drove our enemies all beyond the great water, is now the head-man of all our councils, and the chief of all our warriors; he, by the advice of his wise counsellors, has commanded us to tell you, that the United States regard the red men with the same favorable eye that they do the white men, and that justice shall always be maintained equally between them.

"Now, Head-men and Warring Chiefs of all the Chickasaws, listen to us! We are the mouth of the Union for you, and say that we are perfectly satisfied with your conduct since the treaty of Hopewell, and trust we have given you reason to be satisfied with ours. All that remains for both nations, is to continue to act the same open and friendly part. You, Brothers, may rest assured that your interests are always near to our hearts, and that, in conformity to the true intent and meaning of the eighth article of the said treaty, the General Government of the United States will, as soon as the circumstances may conveniently admit, take measures for extending more fully to the Chickasaws, the benefits and comforts arising from a well regulated and mutually advantageous trade.

"Brothers, farewell: we wish you all the happiness and prosperity which we wish to our fellow citizens, the white

men of the United States."[1]

In reply to the message, Piomingo, the second great chief of the Chickasaws, met the Commissioners at Richmond, and gave the strongest assurance of the friendship of his nation towards the United States. He also expressed the deep aversion of his whole nation to the Creeks.[2]

November 20, 1789, the Commissioners Plenipotentiary who had been asked to obtain information concerning the situation of the Indian tribes of the southwest, reported that it seemed necessary to provide some adequate means of supplying the natives living south of the Ohio with goods and ammunition, at moderate prices. As the information relating to the internal affairs of the Choctaw and Chickasaw Nations was very meager, it was impossible for the Commissioners to give any positive opinion as to the best mode of accomplishing this object in those tribes; but it was suggested that there ought to be some uniform plan of giving permits to those who might be allowed to trade with the Indians. The granting of these permits would be a part of the duty of the superintendent, agent, or commissary of

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[1] American State Papers, II, 69-70. A similar message was sent to the Choctaws.

[2] Ibid., 77.

Indian affairs in the southern department. Such a provision would prevent people with bad characters trading with and defrauding the Indians. Thus, it would be of great usefulness in securing the cooperation of the Chickasaws and Choctaws with the United States.[1]

During the winter following, the Federal Government was preparing for the campaign against the northwestern Indian tribes which many of the authorities feared would be necessary in the spring. February 17th Secretary Knox wrote letters to the Chickasaws and Choctaws, thanking the former for the aid they had given to the troops of the United States army in the preceeding year; and inviting both nations to help in the war against the Kickapoos and their allies. All the warriors who wished to fight in the United States army were asked to assemble at Fort Washington by June 1st. Plenty of food and ammunition was promised to those who thus attached themselves to the army. Presents of medals and rich uniform clothes were promised to several of the great chiefs; and other rewards were to be given to the rest of the Chickasaws and Choctaws.[2]

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[1] American State Papers, II, 79

[2] Ibid., 249.

A little later, Governor Blount formed the plan of calling a meeting of these friendly tribes at Nashville for the sake of "conciliating and attaching them cordially to the interest of the United States." March 31, this plan was sanctioned by Secretary Knox. April 22 instructions were given as to the manner in which the conference ought to be conducted. Knox said, "The great object in managing Indians, ... is to obtain their confidence. This cannot be done but by convincing them of an attention to their interests. Deeply convinced of this general disposition of their protectors, they will be yielding in smaller matters.

"The Indians have constantly had their jealousies and hatred excited by the attempts to obtain their lands. I hope in God that all such designs are suspended for a long period. We may therefore now speak to them with the confidence of men conscious of the fairest motives towards their happiness and interest in all respects, A little perseverence in such a system, will teach the Indians to love and reverence the power which protects and cherishes them. The reproach which our country has sustained will be obliterated, and the protection of the helpless ignorant Indians, while they demean themselves peaceably, will adorn the character of the United States." Through the Secretary of War, President

Washington gave special direction that there should be a full representation of the Chickasaws and Choctaws at the conference, and that all who assembled should be impressed with the benevolent attitude of the United States towards all Indian tribes and particularly towards the hostile Indians of the northwest. According to advice given by General Pickens, Secretary Knox requested that not more than five hundred warriors of the Cherokee, Chickasaw, and Choctaw Nations should be allowed to join the Federal army. This number would be sufficient to make the tribes represented feel that the war was a common cause among themselves as well as with the United States. If the Indians should object to joining the army on account of not being well armed, Blount was directed to assure them that they would be well supplied with smooth-bored muskets at Fort Washington. Rifles could not be promised; but any other reward which Blount might think appropriate was to be given, providing that the pay of the Indians did not exceed that of the regular troops.[1]

Instead of Mr. Leonard Shaw, a Princeton graduate who had a "strong desire of being useful in the Indian department,"[2]

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[1] American State Papers, II, 353.

[2] Ibid., 346.

Captain David Smith and a Mr.Foster were sent to deliver the invitation to attend the conference which William Blount was planning to hold at Nashville. This was an unfortunate circumstance for Captain Smith was not a great enough diplomatist to succeed in such an undertaking. Consequently, according to the report of Mr.Forster, Captain Smith fell into a dispute with Mr. Brassheart, a man, who lived among the Choctaws, and was very much attached to Spanish interests. This dispute was over the United States and Spanish Government and their respective consequence in the Choctaw Nation. At length, Smith and Brassheart agreed that the argument should be determined by the number of Choctaws who should accompany Smith to the conference compared with the number Brassheart should prevent. As Brassheart was the only man in the town where the council assembled who had any taffia, it was probably he who made the Indians drunk; induced them to break up the council; and incited them to tear the belts so that an insult would be offered to the United States. Furthermore, Brassheart informed the chiefs that there was something written in the letters in red ink which had not been explained in the council, from which he foresaw that the Indians who went to Nashville would be put to death.[1]

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[1] American State Papers, II, 282-283.

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For these reasons, only one hundred and ten of the Choctaws went to the conference which was held at Nashville from August 7th to the 11th. However, Mr. Pitchlyn, who was a warm friend of the United States and had a great command over the Choctaw Nation, was among this number. This was important, for his influence was such that most of this tribe would do as he bade. Friendship with the Choctaws therefore seemed to be established upon a solid foundation when the chief said in decided terms that he would lead a large party against their old enemies, the Creeks, providing the United States would furnish his people with arms and ammunition. Without such aid, it would be impossible for the Choctaws to help the United States. In fact, Mr. Pitchlyn explained that it was only their poverty and dependent situation which caused the Choctaws to keep up an appearance of friendship with the Spaniards, for a great part of the nation hated them and would have been glad to get their supplies from the United States. The Chickasaws were fully represented.[1]

Upon the opening day of the conference, Governor Blount informed the Indians assembled that the object of the meeting was not to ask for more lands, but to keep alive the friend-

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[1] American State Papers, II, 282-283.

ship which had been established by the treaties made at Hopewell seven years before, and to publicly thank Piomingo, the Colberts, and others who had joined the army of the United States the year preceeding. The trading post at the mouth of Bear creek which was promised at the Hopewell treaty had not yet been built because the government had not been in a situation to do it. Governor Blount now told the chiefs and warriors that the United States had become rich and strong, and hence could shortly give the Indians a satisfying trade from the post mentioned in the treaty. In return for this, the Chickasaws were asked to drive Double Head and his party of Cherokees, Creeks, and "Northwards" off the lands upon the south side of the Tennessee. About forty Indians, from the tribes mentioned, had settled there and were doing damage to the citizens of the United States. Furthermore, Blount requested the Chickasaws to mark off the bounds of their territory in order that in the future the United States might know upon whose land the people lived who committed depredations against "American" citizens.

The next day Wolf's Friend replied, rejoicing that Blount was not going to ask for more land. He seemed grateful for the trade which had been proffered, but he asked that it might be carried on at Nashville rather than at the mouth of Bear's

creek for, as he said, "The Americans had hard shoes, and if they permitted them to establish that post, they would tread upon their (the Chickasaws') toes."

Piomigo made a speech in which he asked that a new map be made for him as the one given him seven years before was getting old. To help in the drawing of the new map, he described the boundary of the Chickasaws as follows: "It begins on the Ohio, at the ridge which divides the waters of Tennessee and Cumberland, and extends with that ridge, eastwardly, as far as the most eastern waters of Elk river; thence to the Tennessee, at an old field, where a part of the Chickasaws formerly lived, this line to be so run as to include all the waters of Elk river, thence, across the Tennessee, and a neck of land, to Tenchacunda creek, a southern branch of the Tennessee, and up the same to its source; then to the waters of Tombigby, that is, to the west fork of long leaf Pine creek, and down it to the line of the Chickasaws and Choctaws, a little below the trading road."

General Pickens then spoke to the Indians pointing out the advantages of a trading post at the mouth of Bear's creek. Piomingo replied, "I do not now want a

[illegible]

post established there, because it would occasion blood to be spilled. We are, as you say, both one people; if a post is settled there, it will bring on an open war ... All people are not alike; to prevent shedding of blood we object, that good men may not be lost."

Thursday, August 9th, Governor Blount undertook to explain the cause of the war with the northern Indians. The true cause of this war, he said, was not the taking of lands from the red men; but the slaughter of more than a thousand citizens of the United States by northern Indians; the capture of boats on the Ohio; and the stealing of many horses. Even after such depredations, the United States would forgive the hostile tribes if they would give proof of wishes for peace. Otherwise, the large army which was being raised in the United States would make war upon the unfriendly tribes. To quiet the fears of the friendly tribes, Blount then informed the Chickasaws that the President would delay the establishment of a post upon Bear's Creek.

August 10th the goods which had previously been divided into as many shares as there were Indians present, were delivered. The inhabitants of Long Town, with Piamingo at their head, marched up first; after they had received their presents, the other towns marched up according to

their order. After the Chickasaws, the Choctaws came up in a like manner.[1]

In the spring of 1793, war between the Chickasaws and Creeks was raging; and the Choctaws seemed to be on the point of joining the Chickasaws.[2] The latter claimed that the war was caused by the murder of one of their tribe while he was hunting about fifteen miles from the towns. The body of the murdered man was hacked and mangled by the Creeks and thrown into a pond. This was always intended a as an insult to the nation from which the deceased came. Therefore, he Chickasaws immediately called a council, and on the 13th of February, they unanimously decided to make war against the Creeks. The next day Tatholah, with forty warriors, marched out to search for the party of Creeks that had given the insult.[3]

The day that war was declared, the Chickasaws chief sent a message to General Robertson asking him to notify "every head-man in America, particularly . . . General Washington, the Secretary of War, Governor Blount, and General Pickens" of the war. As the Chickasaws had been

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[1] American State Papers, II, 284-288.

[2] Ibid., 378.

[3] Ibid., 441.

loyal to the United States throughout the time that the Creeks had been disturbing the frontiers, the former expected the aid of the Union in the present war. They therefore asked General Robertson to send them all kinds of supplies, ammunition, guns, such as muskets, rifles, and smooth-bores, swivels, blunderbusses, fifteen hundred bushels of corn, two barrels of flour, one hundred bushels of salt, one hogshead of tobacco, fifty bags of vermillion, a blacksmith, a bombardier, and plenty of whiskey.

General Robertson was uncertain as to what he ought to do and hence wrote to Governor Blount for advice. In his letter to Blount, General Robertson urged that the United States should help the Chickasaws. Agents of the Spanish Government who were courting the friendship of the Indians had been offering the Chickasaws corn and endeavoring to prevent the war. The Chickasaws had refused these proffers because they relied upon the United States. It therefore seemed neither wise nor just for the stronger nation to refuse what the weaker and more distressed nation asked.[1] In his reply Governor Blount gave General Robertson permission to supply the friendly Indians with such quantities of corn as they needed; but he could not determine what

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[1] American State Papers, II, 442.

part the United States would take in the war until he received orders from President Washington.[1] Accordingly, General Robertson sent eleven hundred bushels of corn to Chickasaw Bluffs, "sundry articles of clothing," and a number of tools which the chiefs had requested him to send.

When Baron de Carondelet heard of this, he made his objections known to the Spanish minister at Philadelphia. Baron de Carondelet claimed that he had established peace among the Indians by refusing to furnish them with arms. He, therefore, pretended to think that it was unjust to the Spanish in America for the United States to break the peace by sending not only arms and ammunition but a swivel gun as well. The Spanish minister accused the United States of inciting the Chickasaws to war, and threatened that his nation would declare itself to be against peace with the Republic if such actions continued.[2]

Thomas Jefferson who was Secretary of State, made an able refutation of these charges in the following sentences: "The Creeks have now a second time commenced against us a

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[1] American State Papers, II, 452.

[2] John Haywood, Civil and Political History of Tennessee 398-399.

[illegible]

wanton and unprovoked war; and the present one in the face of a recent treaty, and of the most friendly and charitable offices on our part. There would be nothing, then, out of the common course of proceedings for us to engage others, if we needed any, for heir punishment; but we neither need nor have sought them. The fact itself is utterly false, and we defy the world to produce a single proof of it. The declaration of war by the Chickasaws, as we are informed, was a very sudden thing, produced by the murder of some of their people by a party of Creeks, and produced so instantaneously as to give nobody time to interfere either to promore or to prevent a rupture. The gift of provisions was but an act of friendship to them when in the same distress which had induced us to give five times as much to the less friendly nation of the Creeks. We have given arms to them. It is the practice of every white nation to give arms to the neighboring Indians. The agents of Spain have done it abundantly, and for the purpose of avowed hostility on us. And they have been liberal in promises of further supplies. We have given a few arms to a very friendly tribe, not to make war on Spain but to defend themselves from the atrocities of a vastly more numerous and powerful people and who by a series of unprovoked and even unrepelled attacks on us is obliging us to look toward war as the only means left of curb-

ing their insolence . . . . And as to the discontinuance of peace, are we to understand that if we aim to repel the attacks of the Creeks on ourselves it will disturb our peace with Spain? that if we will not let them butcher us without resistance Spain will consider it a cause of war? We love and value peace; we know its blessings from experience. We abhor the follies of war, and are not untried in its disasters and calamities. If we are forced into a contrary order of things, our mind is made up. We confide in our strength, without boasting of it; we respect that of others, without fearing it. If we cannot otherwise prevail on the Creeks to discontinue their depredations, we will attack them in force. If Spain choses to consider our self defence against savage butchery as a cause of war, we must meet her also in war, with regret, but without fear; and we shall be happier to the last moment to repair with her to the tribunal of peace and reason. The President charges you to communicate the contents of this letter to the Court of Madrid with all the temperance and delicacy which the dignity and character of that court render proper; but with all the firmness and self-respect which befits a nation conscious of its rectitude and settled in its purposes."[1]

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[1] American State Papers, I, 433-435. These were Jefferson's instructions to the United States Minister at Madrid.

Meanwhile, Spanish agents were endeavoring to secure a cessation of hostilities among the Indians by causing chiefs from the nations at war to go to Pensacola. May 23, Governor Blount wrote, "The Creek and Chickasaw war does not go on with the ferocity and spirit that might be expected owing, as it is said, to Mr. Panton having informed the Creeks that, if red people went to war with each other, he would withhold all supplies of arms and ammunition, adding, that was all the United States could wish, to see red people at war with each other, and then they could take their land with more ease."[1]

The settlers upon the frontiers, upon the other hand, were glad to have an Indian war because, if the Chickasaws were aided, the Creeks would be kept so busy at home that they would not have time to make invasions into the settlements.[2] Consequently, James Seagrove took measures to keep the Indians engaged in war until the United States could see how things went.[3]

In July, warriors from the Cherokee Nation invited the Chickasaws and Choctaws to join in a war against the United States. They threatened that the Indian tribes which had united for the sake of destroying the white settlements, would

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[1] American State Papers, II, 454.

[2] Ibid., 441.

[3] Ibid., 388.

the Creeks to desist from their depredations upon the frontiers. "The destruction of the Creeks, by the aid of these three nations, could be effected," said Blount, "not only much cheaper than by an army of citizens, but it would to a certainty, prevent a combination of the southern tribes at a future day, against the United States."[1]

Early in December, 1793, Spanish authorities admitted that orders had been sent to Governor White of Pensacola to furnish powder and lead to the Cherokees, who had thus been emboldened to attack Knoxville. For this, Spain tried to justify herself upon the ground that her treaty with the Talapuches in 1784 had required her to furnish arms and ammunition. Spain did not pretend to think the Cherokees were Talapuches, but she made this excuse nevertheless.

Not long afterwards, affairs of the United States and Spain took on a more promising aspect. War was not declared when the ministers in the Court of Madrid delivered Thomas Jefferson's message as quoted above. Spain was becoming tired of her alliance with Great Britain and began to feel that the English people were imposing upon the Spanish Nation. It therefore became the government's policy to make friendly overtures to the French and United States governments

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[1] American State Papers, II, 536

December 18, 1793, the Spanish Court admitted that their treaties with the Indians should be considered to extend only to such of them as resided upon Spanish territory. The Court furthermore declared that Spain would not take a decided part in favor of the Indians, except when justice and equiy demanded. it.[1] Thus the trouble over the aid which the United States had given to the Chickasaws was brought to a happy conclusion.

Although many other difficulties confronted Washington during these years, he did not neglect the Chickasaws. He considered that nation worthy of attention because of its bravery and loyalty to the United States; and believed it wise to have them closely attached to the interests of the United States. Governor Blount was therefore asked to notify Piamingo that the President wished to see him at the seat of government. The great chief of the Chickasaws gladly accepted this invitation. About the middle of June 1794, he came with Captain Colbert and other chiefs to Nashville. They were accompanied by about sixty warriors who were on their way to join General Wayne's army. At Nashville, Piamingo and the chiefs parted with these warriors and proceeded to Knoxville with General Robertson.

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[1] John Haywood, Civil and Political History of Tennessee, 400-401.

The Chickasaw chiefs arrived at Philadelphia and were received with great attention by the President who addressed them on July 11th. Washington thanked the chiefs for heir visit and praised them for the aid which the Chickasaws had given to the United States army. He also gave a commission of captain of militia to one of the chiefs, and a document to Piamingo, which set forth the boundaries of the Chickasaw territory as Piamongo had described them at Nashville in 1792. Moreover this document stated that "the same community are in their persons, towns, villages, lands, hunting grounds, and other rights and property in the peace and under the protection of the United States of America. All citizens of the United States are hereby warned not to commit any trespass, injury, or molestation whatever, on the persons, lands, hunting-grounds, or other rights or property of the said Indians. And they and all others are in like manner forbidden to purchase, accept, agree or treat with said Indians, directly or indirectly, for the title or occupation of any lands held or claimed by them And I do hereby call upon all persons in authority under the United States, and all citizens thereof in their several capacities, to be aiding and assisting in the prosecution and punishment, according to law, of all persons who shall be found offending in the premises."

Upon July 15th, Secretary Knox informed Piamingo, George Colbert, and other chiefs who were in Philadelphia that, besides the goods about to be given them, the President would continue to send goods worth three thousand dollars annually to the Chickasaws. Upon their return, the chiefs awaited the arrival of goods at Knoxville until November 3. By that time all the goods promised for the year had arrivdd.

After Piamingo and the other chiefs got home, the Chickasaws killed Will Webber, a half-breed Cherokee, and two other Cherokee warriors of the Lower towns, because of some misbehavior upon the part of these warriors. Great offence was thus given to the Cherokee Nation in the winter of 1794 .. The Chickasaws seldom, if ever, were influenced by any "prudential motives founded on a calculation of consequences" and therefore, whenever them were wronged they indulged in resentment and punished the offenders as in this case. However, serious warfare did not resent from the enmity which seemed to exist between the Cherokees and Chickasaws during the fall and winter of 1794.[1]

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[1] John Haywood, Civil and Political History of Tennesse, 425-427.

CHAPTER VIII.

THE INDIANS OF THE SOUTHWEST DURING TIMOTHY PICKERING'S ADMINISTRATION

As has been stated, Timothy Pickering became Secretary of War in January 1795. Documents relating to the Indian affairs of that year were not so well preserved as those concerning the previous years; but, judging from the evidences which may be had, the Government Indian policy did not change with the installation of a new Secretary of War. President Washington and Secretary Pickering continued the just and kindly policy towards the Indians which had endeared the Federal Government to the tribes of the southwest during General Knox's administration.

Indian affairs in the southwest seemed to be in a very critical state at the beginning of Mr. Pickering's administration. Although Cherokee hostilities had ceased, the Creeks, in small parties, continued to commit depredations against the frontiers and it was uncertain to what these injuries might lead. In addition to the enmity which the Creeks already felt towards the settlements, more ill feeling was likely to

be aroused by two acts of the Georgia Legislature which were passed, the one upon December 28, 1794, the other upon January 7, 1795. February 17th, President Washington submitted these acts to Congress, saying: "These acts embrace an object of such magnitude and in their consequences may so deeply affect the peace and welfare of the United States, that I have thought it necessary now to lay them before Congress."

The first act provided for the opening of the lands between the Oconee, Apalachy, and Oakmulgee rivers for settlement. No taxes were to be levied for four years upon the land claimed under the act; but each tract had to be settled by the purchaser within twelve months after it had been surveyed. No person, according to this act, was to be allowed to obtain more than three hundred acres as a head right. Fifty acres, however, might be bought for a wife, and fifty for every free born child under sixteen years of age. All unmarried people from that age up were allowed to claim three hundred acres. Officers and soldiers of the State troops who had taken part in the Revolutionary War, were entitled to receive a warrant from the Governor of Georgia for such an amount of land as their original bounty warrant promised

them.[1]

The act passed upon January 7th was in the nature of a supplement to the one passed December 28th of the preceding year. It asserted Georgia's right to claim the land lying east of the Mississippi River -- between the line established by the Definitive Treaty of Paris[2] and the line which was established as the boundary between Georgia and South Carolina by the convention at Beaufort,[3] This claim was based upon the ground that the Articles of Confederation had confirmed and guaranteed the territory within the limits of each of the thirteen states to them respectively; that the

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[1] American State Papers, II, 551-552.

[2] This boundary was as follows: "Along the middle of the river Mississippi, until it shall intersect the northernmost part of the thirty-first degree of north latitude; south, by a line drawn due east, from the termination of the line last mentioned, in the latitude of thirty-one degrees north of the equator, to the middle of the river Apalachicola, or Chatahoochee; thence, along the middle thereof, to its junction with the Flint river; thence straight to the head of St.Mary's river; and thence down along the middle of St.Mary's river, to the Atlantic ocean." Cited by American State Papers, II, 552-553.

[3] This line was as follows: "from the mouth of the river Savannah, up the said river, to the confluence of Tugelo and Keowee; thence up the Tugelo, and from the source thereof, a due west line to the Mississippi, including islands." Cited by American State Papers, II, 553.

them.

The act passed upon January 7th was in the nature of a supplement to the one passed December 6th of the preceding year. It asserted Georgia's right to claim the last third of the Mississippi River -- "being the lands which are by the Definitive Treaty of Paris and the [illegible] established as the boundary between Georgia and the Dominions of Great Britain by the convention at Hartwell,[3] [illegible] based upon the ground that the Articles of Confederation had confirmed and guaranteed the territory within the limits of each of the thirteen states in their respective[illegible]

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[1] American State Papers, II, 381-382.

[3] This boundary was as follows: "Along the middle of the river Mississippi, until it shall intersect the northernmost part of the thirty-first degree of north latitude; south, by a line drawn due east, from the termination of the line last mentioned, in the latitude of thirty-one degrees north of the equator, in the middle of the river Apalachicola, or Chattahoochee; thence, along the middle thereof, to the junction with the Flint river; thence straight to the head of St. Mary's river; and thence down along the middle of St. Mary's river, to the Atlantic ocean." Cited by American State Papers, II, 382-383.

[3] This line was as follows: "From the mouth of the river Savannah, up the said river, to the confluence of Tugelo and Keowee; thence up the Tugelo, and from the source thereof, a due west line to the Mississippi, including islands." Cited by American State Papers, II, 383.

federal constitution reaffirmed the states' right to their western lands when it asserted that all engagements entered into before the adoption of the Constitution should be as valid as they were under the Articles of Confederation,[1] that "no expost facto law should be passed,"[2] and that "The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory, or other property belonging to the United States, and nothing in this constitution shall be so construed as to prejudice any claims of the United States;"[3] that the United States had accepted the cession of land made by the State of North Carolina, thereby acknowledging that the several states had not only the right of pre-emption but also full authority over the territory in their respective limits; and that the cession offered by Georgia upon February 1, 1786, had been refused by the United States. Therefore, upon the 7th day of January, the Legislature of the State of Georgia enacted, "That the State of Georgia aforesaid, is in full possession, and in the full exercise of the jurisdiction and territorial right, and the fee simple thereof; and, that the right of

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[1] Constitution of the United States, 1st clause of Article VI.

[2] Ibid., 3rd clause of the 9th section of Article I.

[3] Ibid., 2nd clause of the 3rd section of Article IV.

federal constitution recognized the states' rights to such cessions, for it declared that all engagements entered into before the adoption of the Constitution should be as valid as they were under the Articles of Confederation,[1] that "no ex post facto law should be passed,"[2] and that "the Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory, or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States,"[3] that the United States had accepted the cession of land made by the State of North Carolina, thereby acknowledging that the general states had not only the right of pre-emption but also full authority over the territory in their respective limits; and that the cession offered by Georgia upon February 1, 1798, had been accepted by the United States. Therefore, on the 7th day of January, the legislature of the State of Georgia enacted, "That the State of Georgia aforesaid, is in full possession, and in the full exercise of the jurisdiction and territorial right, and the fee simple thereof, and the right of

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[1] Constitution of the United States, Art clause of Article VI.

[2] Ibid., 3rd clause of the 9th section of Article I.

[3] Ibid., 2nd clause of the 3rd section of Article IV.

pre-emption to vacant and unappropriated lands lying westwardly and southwestwardly to the present Indian temporary line, and within the limits of the said State, and the fee simple thereof, together with the right of disposing thereof, is, and are hereby declared to be, in the State of Georgia only." The Legislature then divided the Georgia territory west of the Indian line into four parts which were sold to the Georgia,[1]

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[1] The boundary of the portion sold to the Georgia Company was as follows: "Beginning on the Mobile bay, where the latitude thirty-one degrees north of the equator intersects the same, running thence, up the said bay to the mouth of lake Tensaw; thence, up the said lake Tensaw, to the Alabama river, including Currey's and all other islands therein; thence, up the said river Alabama, to the junction of the Coosa and Oakfuskee rivers; thence up the Coosa river, above the Big Shoals, to where it intersects the latitude of thirty-four degrees north of the equator; thence, a due west course to the Mississippi river; thence, down the middle of the said river, to the latitude of thirty-two degrees, forty minutes; thence, a due east course to the Don or Tombigby river; thence, down the middle of the said river, to its junction with the Alabama river; thence, down the middle of the said river, to Mobile bay; thence, down the said Mobile bay, to the place of beginning." Cited by American State Papers, II, 553.

pre-emption to vacant and unappropriated land lying westwardly and southwestwardly to the present Indian temporary line, and within the limits of the said State, and the lee single thereof, together with the right of depositing thereof, is, and are hereby declared to be, in the State of Georgia only." The legislature then divided the Georgia territory west of the Indian line into four parts which were sold to the Georgia

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The boundary of the portion sold to the Georgia Company was as follows: "Beginning on the Tallis bay, where the latitude thirty-one degrees, thirty-six minutes intersects the same, running thence, up the said bay to the mouth of Lake Tensaw; thence, up the said Lake Tensaw, to the Alabama river, including Burnsby's and all other islands thereon; thence, up the said river Alabama, to the junction of the Coosa and Tallapoosa rivers; thence up the Coosa river, above the Big Shoals, to where it intersects the latitude of thirty-four degrees north of the equator; thence, due west course to the Mississippi river; thence, down the middle of the said river, on the latitude of thirty-two degrees, forty minutes, thence, due east course to the Bon or Tuckipby river; thence, down the middle of the said river, to the junction of the Alabama river; thence, down the middle of the said river, to Mobile bay; thence, down the said Mobile bay, to the place of beginning." Cited by Beauchamp Clark Congress, II, 888.

Mississippi,[1] Upper Mississippi,[2] and Tennessee Companies.[3]

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[1] The boundary of the Georgia Mississippi Company was as follows: "Beginning on the river Mississippi, at the place where the latitude of thirty-one degrees and eighteen nimutes north of the equator intersects the same; thence, a due east course, to the middle of Don or Tombigby river; thence, up the middle of the said river, to where it intersects the latitude of thirty-two degrees and forty minutes north of the equator; thence, a due west course along the Georgia company line, to the river Mississippi; thence, down the middle of the same, to the place of beginning." Cited by American State Papers, II, 554.

[2] The boundary of the Upper Mississippi Company was as follows: "Beginning at the Mississippi river, where the northern boundary line of this State strikes the same; thence, along the said northern boundary line, due east to the Tennessee river; thence, along the said Tennessee river, to the mouth of Bear Creek; thence, up Bear creek, to where the parallel of latitude twenty-five British statute miles south of the northern boundary line of this State intersects the same; thence, along the said last mentioned parallel of latitude, across Tombigby or Twenty-mile creek, due west of the Mississippi river; thence, up the middle of the said river; to the beginning." Cited by American State Papers, II, 554.

[3] The boundary of the Tennessee Company was as follows: "Beginning at the mouth of Bear creek, on the south side of Tennessee river; thence, up the said creek,to the most southern source thereof; thence, due south to the latitude thirty-four degrees ten minutes north of the equator; thence, a due east course one hundred and twenty miles; thence, a due north course to the great Tennessee river; thence, up the middle of the said river to the northern boundary line of the State; thence, a due west course along the said line, to where it intersects the great Tennessee river, below the Muscle Shoals; thence, up the said river, to the place of beginning." Cited by American State Papers, II, 554-555.

James Gunn, Matthew M'Allister, and George Walker, together with their associates, formed the Georgia Company; Nicholas Long, Thomas Glascock, Ambrose Gordon, Thomas Cummings and their associates formed the Georgia Mississippi Company; John B. Scott, John C. Nightingale, and Wade Hampton, the Upper Mississippi Company; and Zachariah Cox, Matthias Maher, and their associates, the Tennessee Company.

The Georgia Company bought the tract of land assigned to them for two hundred and fifty thousand dollars. This amount was to be paid in specie, bank bills of the United States, and warrants for the years 1791, 1792, 1793, 1794, and 1795. Fifty thousand dollars was to be deposited in the treasury previous to the passage of the act by which the Legislature of the State appropriated and sold the unoccupied lands in the west. The remaining two hundred thousand dollars was to be paid before the first of the next November. Upon presenting to the Governor a statement signed by the treasurer that fifty thousand dollars had been deposited, James Gunn, Matthew M'Allister, George Walker, and their associates were to be given a grant for the land which they had purchased. This Company, however, was required to give a mortgage as security for the last payment in order to procure such a grant. The mortgage thus given could be foreclosed immediately if the last payment was not

made on or before November 1st. The land, in that case, would be forfeited to the State. One million acres of the tract purchased by the Georgia Company was to be reserved for the use of the citizens of Georgia. The lands thus set aside were to be disposed of by the opening of a subscription book at the treasury office of the State. This book was to be opened three months after the passing of the act ans was to be kept open four months for the purpose of receiving subscriptions for the reserved lands. No person who was a member of any of the Companies mentioned should be allowed to subscribe for any part of the reserved lands and no person permitted to subscribe for more than five thousand acres. There was also a provision that the citizens of the various counties should not be allowed at any time within three months after the opening of the book, to subscribe for more of the reserved lands than had been appointed to their respective county. The subscriber was to pay the treasurer one-fifth of the sum which was to be given for his land. The other four-fifths was to be deposited in the treasury within four months after the opening of the book. Otherwise, the puschaser could withdraw his subscription and the money paid upon it, and the land would revert to the Company.[1]

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[1] American State Papers, II, 553-554.

made on or before December 1st. The land, in that case, would be forfeited to the State. Of the million acres of the Creeks' purchased by the Georgia company, [illegible] reserved [illegible] the use of the citizens of Georgia. This much [illegible] was to be disposed of [illegible] of [illegible] at the treasury [illegible] This book [illegible] opened three months [illegible] and [illegible] be kept open four [illegible] of [illegible] subscriptions for the reserved lands. [illegible] the number of acres of [illegible] the subscriber for any [illegible] persons resident [illegible] back [illegible] than five [illegible]. There was also a provision that [illegible] of the various counties should not be allowed any [illegible] three months after the opening of the book, to subscribe for more of the reserved lands than [illegible] spective county. The subscribers [illegible] pay [illegible] one-fifth of the sum [illegible]. The other four-fifths were [illegible] within four months after the opening [illegible] the purchaser could withdraw his money [illegible] paid upon it, and the land would revert to the company.[1]

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[1] American State Papers, VI, 553-554.

The Georgia- Mississippi Company was to pay one hundred and fifty-five thousand dollars in gold or silver coin, bank bills of the United States, and such warrants as were made payable in the Georgia Company's purchase. Thirty-one thousand dollars of this amount was to be deposited in the treasury previous to the passing of the act, and the remaining one hundred and twenty-four thousand dollars to be paid on or before November 1st. A mortgage was to be given upon the land to secure the last payment. A tract of six hundred and twenty thousand acres was to be reserved by the Georgia Mississippi Company, to be subscribed for in the same manner as those reserved by the Georgia Company.[1]

The Upper Mississippi Company was to pay the sum of thirty-five thousand dollars for its tract in the same manner as the Georgia and Georgia Mississippi companies, except that five thousand dollars was the amount the former was to be required to deposite before the passing of the act, and thirty thousand dollars was the amount to be paid on or before November 1st. It was also to give a mortgage which might be foreclosed in case the Company did not make the final payment as

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[1] American State Papers, II, 554.

agreed. One hundred and thirty-eight thousand acres of the land purchased by the Upper Mississippi Company was to be reserved for the citizens of Georgia and was to be subscribed for and appropriated in the same manner as those reserved by the Georgia Company.[1]

The Tennessee Company was asked for the sum of sixty thousand dollars. Twelve thousand dollars was to be paid by this Company previous to the passage of the act, and forty-eight thousand on or before November 1st. A mortgage was to be given and two hundred and fifty-two thousand acres reserved for the citizens of the State. In addition, fifty thousand acres more were to be reserved by the Tennessee Company. The tract last mentioned was to be grattitously divided between the commissioners appointed by the State of Georgia for the purpose of examining "the quantity, quality, and circumstances, of the great bend of Tennessee river." This land was to be held by the commissioners as tenants in common, and was to be represented in a similar manner as the lands reserved for the use of the citizens. In this manner the commissioners would be paid for the services which they had rendered to the state in that capacity.[2]

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[1] American State Papers, II, 554.

[2] Ibid., 555.

[1] [illegible]

[2] Ibid., 386.

All sums paid by the citizens, for lands subscribed for by them, were to be received in payment of the purchase money promised by the respective companies. The grants which were to be issued to these companies were to be free from all further expense except the fees of office which were three dollars to the Surveyor General, three to the Governor and three to the Secretary of State. The lands to be granded by this act were to be free from taxation until the inhabitants of them were represented in the Legislature. However, the grantees and purchasers of these lands were to "forbear all hostile and wanton attacks on any of the Indian tribes which may be found within the limits of this State, and keep this State free from all charges and expenses which may attend the preserving of peace between the said Indians and the grantees, and extinguishing the Indian claims to the territory included within their respective purchases."

It was further enacted, "That, immediately after the Indian claims to the land lying between the Oconee and Oakmulgee rivers, including that tract of country lying east of a line to be drawn from the place called Fort Romulus, on the Oakmulgee river, to the head of St. Mary's river, or the northern extremity of the Akinfonoka swamp, may be extinguished, the grantees of the several companies, and their associates, are hereby authorized to apply to the Government of the United

States, for their concurrence in extinguishing the Indian claims to the different tracts of country by them severally hereby purchased. ...; which extinguishment of claims ..., shall be at the proper expense of the respective companies, and within five years thereafter the said companies shall severally form settlements on the lands where the claims may be so extinguished, or forfeit the further sum of five thousand dollars for each company so failing." However, ten thousand dollars of the first payment to be made by the companies was set aside by the Legislature for the purpose of extinguishing the Indian claims.[1]

February 23rd, Mr. Nicholas, from the committee to whom as much of the Presidents' message of the 17th as related to the disposition of Indian lands by the Legislature of the State of Georgia had been submitted, reported that it appeared to the committee that the Legislature of Georgia by the act of January 7th, had sold three-fourths of the lands claimed by the Creeks in spite of the fact that these lands had been guaranteed to the Indians by the Federal Government. Grave danger to the peace of the United States might result from this sale of lands to individuals with the provision that they

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[1] American State Papers II, 555.

could take possession of them when the Indian claims were extinguished, for the grantees would constantly be trying to cause a war between the Government and the neighboring Indians in the hope that the latter might be destroyed or banished. Rights so dangerous to the general welfare ought to be intrusted only "in the bodies constituted for the guardianship of the general good of society, as being alone capable of comparing the various interests, alone disposed to promote a happy result to the community." For these reasons, the committee believed that the United States ought to secure to the Indians the rights which had been guaranteed them by treaty. Otherwise the Federal Government might lose the confidence of the Indians and the respect of the citizens. Furthermore, upon behalf of the committee, Mr.Nicholas submitted the following resolutions:

> "Resolved, That it be recommended to the President of the United States, to use all constitutional and legal means, to prevent the infractions of the treaties made with the Indian tribes by the citizens of the United States with an assurance, that Congress will co-operate in such other acts, as will be proper for the same end.
>
> "Resolved, That it be further recommended to the President of the United States, not to permit treaties for the extinguishment of the Indian title to any lands, to be holden at the instance of individuals or States, where it shall appear that the property of such lands, when the

Indian title shall be extinguished, will be in particular persons: And that, wherever treaties are held for the benefit of the United States, individuals claiming rights of pre-emption, shall be prevented from treating with Indians, concerning the same; and that, generally, such private claims be postponed to those of the several States, wherever the same may be consistent with the welfare and defence of the United States.

"Resolved, That the President of the United States be authorized, whenever claims under prior contracts may cease to exist, to obtain a cession of the State of Georgia, of their claim to the whole or any part of the land within the present Indian boundaries and that ------ dollars ought to be appropriated to enable him to effect the same.

"Resolved, That all persons who shall be assembled or embodied in arms, on any lands belonging to Indians, out of the ordinary jurisdiction of any State, or of the territory south of the river Ohio, for the purpose of warring against the Indians, or of committing depredations upon any Indian town, property, or persons, shall thereby become liable and subject to the rules and articles of war which are or shall be established for the government of the troops of the United States."

The last of these resolutions was immediately submitted to another committee of whom Mr.Sedgwick was the chairman. February 26th it reported the following resolutions:

"Resolved, That all persons who, unauthorized by law, may be found in arms on any lands westward of the line established by treaties with the Indian tribes, shall, on conviction thereof, forfeit a sum, not exceeding ----- dollars, and be imprisoned not exceeding ----- months.

> "Resolved, That it shall be lawful for the military force of the United States to apprehend every person or persons found in arms, as aforesaid, and him or them to convey to the civil authority of the United States, within some one of the states, who shall, by such authority, be secured to be tried, in manner hereafter expressed.
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> "Resolved, That any person apprehended as aforesaid, shall be tried in manner and form as is expressed in, and by, the act, entitled "An act to regulate trade and intercourse with the Indian tribes." [1]

Not only the Federal Government, but also the people of the State of Georgia objected to the wholesale dispossession of western lands by the Legislature. Some said that "'bribery and corruption distinguished the proceedings of the members favorable to the Yazoo act,'" as this sale of land was called. It was also asserted that members of the Legislature were bribed to vote for the measure by receiving "from the companies certificates of large shares of the land which they were about to vote to sell." Most of the counties, through their grand juries, also pronounced themselves to be opposed to the act. Meetings were held all over the State, and "the bitterest denunciations fell from the lips of every speaker." In May a convention was held at Louisville and hundreds of petitions

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[1] American State Papers, II, 558.

were read, which set forth "the atrocious peculation, corruption and collusion by which said usurped acts and grants were obtained." In fact, public sentiment against the Yazoo sale was so strong that only those who opposed the act were elected to the Legislature in the fall.

In spite of all this opposition, the four companies paid the whole of the purchase money and "believed themselves secure in their vast fortunes, because the bill stipulated that the acts of no subsequent legislature should affect their title." However, when the Legislature convened in the winter of 1795, General James Jackson introduced a bill which proposed the repeal of the Yazoo sale, and declared that it was "null and void." This bill was adopted and received the signatures of Jared Irwin, the new Governor, Thomas Stephens, Speaker of the House, and Benjamin Taliaferro, President of the Senate. The records of the Yazoo act were then expunged, "and the bill itself was consumed, in the streets of Louisville, by fire from Heaven."[1] This, however, was not done because of any

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[1] Albert Pickett, History of Alabama, 447-449. Albert Pickett says (History of Alabama, 449), "They held a sunglass over the paper until it was consumed by the fire thus generated."

compunctions which the people of Georgia felt against taking Indian lands, but because of "a full conviction that large monopolies are against the interests of the citizens in general.[1] Meanwhile, hundreds had emigrated to the Tombigby and Mississippi rivers, intending soon to occupy the lands which the companies had promised to grant them.[2]

In June, James Gunn and Thomas Carnes, Georgia members of Congress, wrote to President Washington asking that a treaty be held with the Indians who claimed the lands mentioned in the acts of December 28, 1794, and of January 7, 1795. These men explained that the Legislature of Georgia had already appropriated thirty thousand dollars, for the purpose of defraying the expense of the treaty and extinguishing the Indian claims to the land lying within the boundaries described in the "Yazoo" act.

June 25, the President replied, consenting to the proposed treaty but not committing himself to any policy concerning the sale of land. Washington was willing to give his sanction to the treaty because it would present an opportunity for inquiring into the causes of the dissatisfaction

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[1] American State Papers, II, 561.

[2] Albert Pickett, History of Alabama, 449.

of the Creeks. These Indians had committed "numerous and distressing depredations" against the southern frontiers; but their attacks upon the Cumberland settlements had been "so frequent, and so particularly destructive" that Washington thought the hostility must originate in some claim to the lands upon that river. Whatever might be the cause, it was important to trace it to its source; "for, independent of the destruction of lives and property, it occasions a very serious annual expense to the United States." Benjamin Hawkins, of North Carolina, George Clymer of Pennsylvania, and Andrew Pickens of South Carolina, were therefore named in Washington's letter as the Commissioners to represent the United States in the negotiations with the Creeks. These men were to be instructed to inquire into the causes of the hostilities and to enter into "such reasonable stipulations" as would remove the enmity of the Indians and give "permanent peace" to the southwestern frontiers.[1]

December 12th, Secretary Pickering communicated his plan for opening a trade with the Indians to the Senate. Because the Six Nations were entirely surrounded by the settlements

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[1] American State Papers, II, 560.

of the United States and the British of Upper Canada, Pickering did not believe that a satisfactory trade could be established with them for, as he said, "The familiar intercourse between them and the whites, would have subjected the public to continued impositions, against which no checks were provided." As peace with the Indians northwest of the Ohio was merely being negotiated, those Indians "were not in a condition to participate in the projected trade." The southern tribes were therefore thought to be best suited for the experiment.[1] According to Mr.Pickerings plan, the small sum appropriated for the purpose would be divided unequally. More than two-thirds of it would be used in opening a trade with the Creeks, to whom goods could be conveyed by water. The remainder was to be used in establishing a trade with the Cherokees and Chickasaws.[2] Colerain, on the St.Mary's river was mentioned as the best situation for a trading post to be frequented by the Creeks as it was easy of access to the Creeks, especially the Lower towns, and could be reached by ocean vessels. Tellico block-house was suggested as a convenient station for the purpose of supplying the Cherokees and Chickasaws. It was already a military post, having a

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[1] As only a small appropriation had been made for carrying on a trade with the Indians, Pickering regarded his plan as an experiment to be undertaken with as little expense as possible.

[2] The remote situation of the Choctaws, made it impractable to commence a trade with them.

a small garrison of regular troops. This made it a safe place for the white people to go. It was in advance of the settlements. It was, therefore, a convenient place for the Indians who were already accustomed to go there for conferences and negotiations. However, the final choice of the trading post in that region was referred to Governor Blount "with a reliance on his knowledge and judgment, to fix it in the place most suitable for effecting the true objects of the establishment."

Neither the Chickasaws nor Choctaws, especially the latter, would be much benefited by the proposed trade until a post for each could be established on the Mississippi; but because of the small appropriation made, this was impossible. Besides, it was sometimes difficult to secure enough goods to satisfy the needs of the Creeks and Cherokees. In fact, that very year, the purveyor had been obliged to wait the arrival of the fall ships, because the goods necessary for Wayne's treaty and the annuity of the Chickasaws had so drained the supply of Indian goods that the articles needed for trade could not be secured in Philadelphia, New York, or Baltimore.[1]

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[1] American State Papers, II, 283-284.

In 1873, Charles W. Upham said, "Whether the experiment in which Colonel Pickering was engaged -- of protecting the native tribes from extortion and imposition, by the government's procuring, not to be distributed as presents, but for sale of them, merely at cost, such articles as they might have need or occasion to purchase -- ought not to be carried out, on a trorough, well-considered, extensive, and efficient - ly organized system, is well worthy of reflection. It would have saved the Indian from cupidity of irresponsible traders and speculators; have kept him in what he would feel to be beneficial relations with the government; gradually acquainted him with the details of business transactions; taught him the value of money; led to a desire to produce for himself and family additional articles of convenience and comfort; rendered closer his connection with the whites in general; and perhaps, in the end, have answered the purpose of making all the inhabitants of the land one people."[1]

In addition to his plan for establishing a trade with the Indians, Secretary Pickering also submitted an enumeration of the annuities which the United States had promised to the various tribes. This was as follows:

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[1] Charles W. Upham, The Life of Timothy Pickering, III 163-164.

"To the Six Nations, and associates, to the value of .	$4,500.00
To the Chickasaws, ...	3,000.00
To the Cherokees, ...	5,000.00
To the Creeks, ...	1,500.00
To the Wyandots, Delawares, and several other tribes, northwest of the Ohio, agreeably to General Wayne's late treaty, ...	9,500.00
Whole amount, ...	$23,500.00
To which may be added, for contingent demands, ...	6,500.00
	$30,000.00

Goods to this amount, he advised, should be imported by the Government, as they could thus be more cheaply procured in "the precise kind and proportions demanded." If Congress decided to continue and extend the trade with the Indians, Pickering thought the importance of importing goods on public account would be greatly increased.[1]

In the fall of 1795, the office of Secretary of State became vacant. The President offered the position to Judge Patterson, Governor Johnson, of Maryland, to General Pinckney and to Mr.King, in succession. By all it was refused. Finally, Washington tendered it to Patrick Henry who also

[1] American State Papers, II, 584.

declined it. The President then proposed that Colonel Carrington should take the Department of War, in order that Secretary Pickering might be removed to the Department of State. Carrington chose to remain where he was. Meanwhile, Pickering was attending to the affairs of both departments. On the 17th of November, he wrote: "Last Friday evening, going to see Mrs. Washington, I found the President and Mr. Wolcott in the antechamber, the President's countenance manifestly uneasy. As soon as an opportunity offered, I spoke to Mr.Wolcott. The President was anxious for my determination, and again Mr. Wolcott urged me to take the office. I reflected a few minutes; the company retired; and I then made the President the following declaration:-

"That I wished to keep him no longer in suspense, and that I would accept the office of Secretary of State; but, as I had no ambitions views, and fresh embarrassments might arise in his attempts to fill the department of war, I would propose, with submission to his opinion, that things should remain for the present as they were. I would continue my attention to both departments; if that of war could be filled to his satisfaction, I would go to the department of state; if a character well adapted to the latter should present, I would remain where I was. In one word, to free him from all embarrassment,

I would serve in one office or the other, as the public good should require. The President answered, "That is very liberal," and desired me to call the next morning to consider of a successor in the department of war."[1]

Similar difficulty was experienced in getting a suitable person to accept the position of Secretary of War. Charles Upham said: "In the critical state of the foreign relations of the country at that time, and the increasing violence of parties and factions at home, men shrunk from assuming responsible posts in the government. Washington felt himself deserted, and he could hardly conceal his perplexity and embarrassment."[2] Finally, upon January 27th, 1796, Mr. McHenry entered upon his duties as Secretary of War.[3]

According to Charles Upham, Pickering was very painstaking in his management of Indian affairs. "After examining faithfully the details of every subject brought before him, he was decisive and energetic. His large experience in this department was of great advantage. The powerful tribes of the south-west, and those also at the north-west, ... were

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[1] Charles W.Upham, The Life of Timothy Pickering,III, 250.

[2] Ibid., 251.

[3] Ibid., 355.

troublesome, threatening, and formidable. ... It is quite remarkable, considering the quickness of his impulses and the ardor of his temperament, that throughout the whole of that period of his life, when charged with executive trusts, he was uniformly cautious, wary, and considerate."[1]

Mr.Upham also said, "The management and care of the neighboring Indian tribes, and the prevention of hostilities from and among them, has occupied and perplexed the government of the United States from the beginning to this day. The original policy of Washington and Pickering, not having been steadily and powerfully pressed, they remained generally unattached individually to the soil, and, to no considerable degree, have acquired the habits or become inspired with the interests of freeholders and husbandmen, but have been suffered to continue in, for the most part, a savage state. A large and costly military force finds an ever-increasing employment in repressing their war-like propensities and punishing outrages upon humanity. Owing, in what proportions it is hard to say, to their own perverseness, the unworthiness of sub-officials of the government, and provocations kept up between them and border settlers, attempts to civilize them have essentially failed.

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[1] Charles W.Upham, The Life of Timothy Pickering, III, 156

"It is but just, however, to admit that the heads of the department, at the seat of government of the United States, charged with its relations to the Indian tribes, have been almost universally controlled by motives of benevolence towards them. The history of the measures that have been pursued, ... would constitute an honorable record. The pressure of the advancing wave of white population has been, and ever will be, irresistable. Roaming hordes of wild hunters, in no way fastened by their labors or habits to the land, must give way to those who, by agriculture and permanent improvements, become identified with it, and riveted to it. This is, in the nature of things, an inevitable result, and no government could, if it would, or ought to prevent it. Much hardship and wrong grow out of the process, which government should alleviate, and, so far as possible, redress. But the process must go on. There may have been mistakes and defects in the policy of the United States government; nevertheless, upon the whole, it has all along, tried faithfully and earnestly, if not with sufficient firmness and steadiness, yet with predominant good intentions, to solve aright the Indian problem."[1]

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[1] Charles W.Upham, The Life of Timothy Pickering, III, 162-163.

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